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1991

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no. 8
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Rules of Governmental Agencies

GEORGE H. RYAN
Secretary of State

VOLUME 15
ISSUE 8

A WEEKLY PUBLICATION

FEBRUARY 22
1991

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Secretary of State
Administrative Code Div.
288 Centennial Bldg.
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(217) 782-9786

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991	July 2, 1991	July 9, 1991	29	July 19, 1991
Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
Jan. 8, 1991	Jan. 15, 1991	4	Jan. 25, 1991	July 16, 1991	July 23, 1991	31	Aug. 2, 1991
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Jan. 22, 1991	Jan. 29, 1991	6	Feb. 8, 1991	July 30, 1991	Aug. 6, 1991	33	Aug. 16, 1991
Jan. 29, 1991	Feb. 5, 1991	7	Feb. 15, 1991	Aug. 6, 1991	Aug. 13, 1991	34	Aug. 23, 1991
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Feb. 11, 1991	Feb. 19, 1991	9	Mar. 1, 1991	Aug. 20, 1991	Aug. 27, 1991	36	Sept. 6, 1991
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Mar. 19, 1991	Mar. 26, 1991	14	Apr. 5, 1991	Sept. 24, 1991	Oct. 1, 1991	41	Oct. 11, 1991
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May 7, 1991	May 14, 1991	21	May 24, 1991	Nov. 12, 1991	Nov. 19, 1991	48	Dec. 2, 1991 (Mon.)
May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
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June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday *(the day before).*

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Policyholder Security Deposit Act

2) Code Citation: 50 Ill. Adm. Code 918

3)

Section Numbers:	Proposed Action:
918.10	Repealed
918.20	Repealed
918.30	Repealed
918.40	Repealed
918.50	Repealed
918.60	Repealed
Illustration I	Repealed
Illustration II	Repealed
Illustration III	Repealed
Illustration IV	Repealed

4) Statutory Authority: Implementing Sections 155.09, 155.10 and 155.12 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 767.9, 767.10, 767.12 and 1013).

5) A Complete Description of the Subjects and Issues Involved: P.A. 86-673, effective January 1, 1990, amended the language of §155.09, 155.10 and 155.12 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 767.9, 767.10 and 767.12) which provided the statutory authority to promulgate Part 918. This proposed repealer will delete a Departmental rule which no longer has a statutory authority.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: n/a

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

comments no later than 45 days after the publication of this Notice to:

Kirk Petersen, Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed repealer will not effect small businesses.

The full text of the Proposed repealer begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 918
POLICYHOLDER SECURITY DEPOSIT ACT

Section
918.10 Authority
918.20 Purpose and Scope
918.30 Definition of Gross Premiums
918.40 Affidavits
918.50 Audit of Deposit Required
918.60 Standard Provisions in Agreement with Bank
ILLUSTRATION I Bank Affidavit
ILLUSTRATION II Company Affidavit
ILLUSTRATION III Acceptable Ceded Reinsurance
ILLUSTRATION IV Securities Deposited in Policyholder Security Deposit Account Subsequent to December 31

AUTHORITY: Implementing Sections 155.09, 155.10, and 155.12 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 767.9, 767.10, 767.12 and 1013).

SOURCE: Adopted at 5 Ill. Reg. 1361, effective February 3, 1981; amended at 5 Ill. Reg. 8516, effective August 12, 1981; codified at 7 Ill. Reg. 4215; Part repealed at 15 Ill. Reg. 2899 effective February 8, 1991.

Section 918.10 Authority

This Rule is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013), which empowers the Director ". . . to *make reasonable rules and regulations as may be necessary for making effective* . . . " the insurance laws of this State. This Rule implements Sections 155.09, 155.10 and 155.12 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 767.9, 767.10, 767.12).

Section 918.20 Purpose and Scope

The purpose of this Rule is to establish a uniform definition of "gross premium", a uniform method of reporting and setting forth provisions which must be included in all Policyholder Security Deposit Account agreements entered into with the bank

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

holding the account. This Rule shall apply to all domestic companies authorized to write insurance under Class 2 and Class 3 of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 616) except Clause (a) of Class 2 and Clause (d) of Class 3.

Section 918.30 Definition of Gross Premiums

a) The gross premiums written for the year ending as stated in Section 155.09 of the Illinois Insurance Code will be determined by the Director of Insurance from the Annual Statement for the year last ending.

b) In determining the amount of a company's Policyholder Security Deposit Account required by paragraph (1) of Section 155.09 of the Illinois Insurance Code gross written premiums are defined as gross premiums reported in part 2(c), column 1 and column 2, line 31 less accident and health premiums and marine insurance other than inland marine, of the Annual Statement.

Section 918.40 Affidavits

a) Illustration I (see appendix) will be furnished by the bank retaining the deposit to the Director on or before January 31st of each year and at such intervals as the Director may request. This Illustration shall indicate the securities which comprise the Policyholder Security Deposit Account as of December 31st for the year last ended or such other date as the Director may request.

b) Illustration II (see appendix) will be furnished by the company to the Director on or before March 1st of each year and at such intervals as the Director may request. Illustration II shall be prepared from information taken from the Annual Statement for the year last ending.

Section 918.50 Audit of Deposit Required

All companies under Section 155.12 of the Illinois Insurance Code will obtain and provide to the Director an independent certified audit of Illustration II every year before April 1st, unless the Director specifically advises a company at least six (6) months prior to that date, that the Department of Insurance will perform the audit.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

Section 918.60 Standard Provisions in Agreement with Bank

a) All companies will require the following provisions in the Policyholder Security Deposit Account Agreement entered into with the Bank holding the account:

1) This Account may not be closed without the prior written approval of the Director of Insurance, State of Illinois.

2) The Bank will honor requests from the Company for substitution, exchange or withdrawal from the account only when such requests are accompanied by one of the following certifications signed by two officers of the Company:

A) The undersigned officers of . . . insurance company hereby certify that the cash and/or securities involved in this (withdrawal, substitution or exchange) are within the excess portion of the account and may be released as provided for under Section 155.15(2) of the Illinois Insurance Code.

B) The undersigned officers of . . . insurance company hereby certify that the cash and/or securities being substituted or exchanged have a current market value equal to or greater than the current market value of the securities being replaced.

C) The undersigned officers of . . . insurance company hereby certify that the securities involved in this (substitution or exchange) involve the required portion of the account as spelled out in Section 155.09 of the Illinois Insurance Code and the market value of the substituted or exchanged securities is less than the market value of the securities being substituted or exchanged; and further certify that the current market value of the entire account subsequent to such (substitution or exchange) is not less than the amount required to be on deposit prior to the substitution or exchange.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

b) All companies are required to conform, in writing to the Director of Insurance, that these provisions have been incorporated into their Policyholder Security Deposit Account Agreement with the Bank.

Section 918.ILLUSTRATION I Bank Affidavit

County of)
)SS
State of)

I, _____, as an Officer of the __(Name of Bank)__, which maintains its principal office in the City of _____, State of Illinois, do hereby certify that the _____ is maintaining a Policyholder Security Deposit Account in said Bank, and that the Bank has trust powers as required under Section 155.11 of the Illinois Insurance Code, and that neither the Bank nor the Company directly or indirectly owns or controls 20 per cent or more of the voting stock of the other.

The following listed securities comprise the Policyholder Security Deposit Account of said Company, as of December 31, 19___:

Description of Security (Attach additional sheet if required)	No. of Shares	Face Amount

Subscribed and sworn to before me this ____ day of _____, A.D., 19___

_____
Name

_____
Notary Public

_____
Title

Section 918.ILLUSTRATION II Company Affidavit

County of)
)SS
State of)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

We, _____ President and _____, Secretary of __(Name of Company)__ do hereby certify that pursuant to Sections 155.09 through 155.16 of the Illinois Insurance Code, said Company is maintaining a Policyholder Security Deposit Account in the __(Name of Bank)__, which Bank maintains its principal office in the City of _____ State of _____, and that neither the Company nor the Bank directly or indirectly owns or controls 20 per cent or more of the voting stock of the other.

Further, the securities on deposit in the Policyholder Security Deposit Account are marketable securities as defined in Section 155.10 of the Illinois Insurance Code. The reporting value of these securities is in accordance with the rules covering the valuation of securities for annual statement purposes.

The Policyholder Security Deposit Account has been computed as follows:

1. Gross Written Premiums as reported in Part 2C, Column 1 and Column 2, line 31 of the Annual Statement for year last ending less A & H and marine premiums other than inland marine. _____
2. Less Acceptable Ceded Reinsurance as defined in Section 155.09(2) of the Insurance Code.*** _____
3. Base Premium (line 1 minus line 2). _____
4. 65% of Amount shown on line 3. _____
5. Maximum Deposit: if line 4 is 10,000,000 or more, amount to be entered on this line is 10,000,000. _____
6. Amount of Statutory Deposit held by the Illinois Department of Insurance in excess of $330,000. _____
7. Line 5 minus Line 6. _____
8. Amount of Policyholder Security Deposit Account maintained by Company as of December 31, 19___.*** _____
9. Adequacy (+) or Inadequacy (-) of Account (line 8 minus line 7). _____
10. Percentage of Inadequacy (line 9 divided by line 7).*** _____

(Note: calculate only if line 9 indicates an inadequacy . (-)).

* Complete Part I and attach.

** Attach itemized list of securities including admitted value.

*** If line 10 is 10% or greater complete Part II and attach.

Subscribed and sworn to
before me this ____ day of
_____, A.D., 19___

_____
President

_____
Notary Public

_____
Secretary

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

Section 918.ILLUSTRATION III Acceptable Ceded Reinsurance

Acceptable Ceded Reinsurance as Defined in

Section 155.09(2) of the Illinois Insurance Code

List each company, its location and amount of premium ceded to that company for which credit is taken on Illustration II, line 2.

NAME OF REINSURER	LOCATION	PREMIUM CEDED

1. SUB-TOTAL (to agree with Illustration II-line 2) _____
2. Premium not qualifying under Section 155.09(2) of the Illinois Insurance Code (total only) _____
3. Current Year Annual Statement-Part 2C, Column 3-total of lines 8, 13, and 14 and 15 _____
4. TOTAL CEDED PREMIUM* _____

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

* Total to agree with Part 2C, Column 3, Line 31 of current year Annual Statement.

Section 918.ILLUSTRATION IV Securities Deposited in Policyholder Security Deposit Account Subsequent to December 31

Securities Deposited in Policyholder Security

Deposit Account Subsequent to December 31

Attach a list of those securities deposited in the Policyholder Security Deposit Account to correct a deficiency of 10% or greater. Indicate the security, its admitted value and the date deposited.

DESCRIPTION OF SECURITY	ADMITTED VALUE	DATE DEPOSITED IN PSDA

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Proposed Action:

120.65 New Section

4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-4 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Section 120.65 regarding the Department of Mental Health and Developmental Disibilities (DMHDD) approved community - integrated living arrangement (CILA) services. CILA services are provided to mentally retarded (MR) or mentally ill (MI) individuals. DMHDD licenses agencies that provide these services.

CILA services are provided in living arrangements where eight or fewer individuals with MR or MI reside under the supervision of the agency licensed by DMHDD. CILA services include individualized treatment, training, rehabilitation, habilitation and other community integrative supports. Habilitation provides health, social and support services. These services are designed to promote independence in daily living, economic self-sufficiency and integration into the community.

CILA services are provided in the residence of the individual's choice rather than in a specific facility. The residence may be the individual's or another person's home or apartment, or a residence provided by the agency licensed for CILA services.

CILA services are paid for by DMHDD and/or the individual. They are not covered under the Department's Medical Assistance Program.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
___ Yes X No

8) Does this Proposed Amendment contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris II 3rd Flr., 100 South Grand Avenue East, Springfield, Illinois 62762, 217-782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 6, 1991

B) Types of small businesses affected: Community - Integrated Arrangements licensed by the Department of Mental Health and Developmental Disabilities.

C) Reporting, bookkeeping or other procedures required for compliance: No new reporting, bookkeeping or other procedures required.

D) Types of professional skills necessary for compliance: No additional skills required.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Children Under Age Six Who Do Not Qualify As Mandatory Categorically Needy
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

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120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Under Age Six Years Who Do Not Qualify As Mandatory Categorically Needy
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
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SUBPART F: MIGRANT MEDICAL PROGRAM

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120.210 Citizenship
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120.215 Relationship
120.216 Living Arrangement
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120.245 Earmarked Income
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NOTICE OF PROPOSED AMENDMENT

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

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120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq, and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June

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2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688,effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988;

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amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 2908, effective February 6, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

a) Community-Integrated Living Arrangement (CILA) Services

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Section 120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements (Cont'd)

1) This Section applies to individuals receiving CILA services through an agency licensed by DMHDD. CILA services are provided in approved settings where eight or fewer individuals with mental retardation (MR) or mental illness (MI) reside under the supervision of the agency licensed by DMHDD. Individuals actively participate in choosing services designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports and in choosing a home from among those living arrangements available to the general public and/or housing owned or leased by an agency licensed by DMHDD.

2) The standards and licensure requirements for community-integrated living arrangements are found at 59 Ill. Adm. Code 115.

b) A one-month eligibility period will be used. Eligibility begins the first day of the eligibility period or the day during the month that spend-down is met.

c) The appropriate MANG Community Income Standard will be used (see Section 120.20).

d) The individual shall be allowed an asset disregard in accord with Section 120.382. Assets are considered in accord with 89 Ill. Adm. Code 113.140, 113.141 and 113.142.

e) No payment will be made by the Department for the cost of room and board. The individual shall be responsible directly to the agency licensed by DMHDD for payment of any room and board costs.

f) If non-exempt income is greater than the MANG Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income

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Section 120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements (Cont'd)

exceeds the MANG Standard and the amount on non-exempt assets in excess of the applicable asset disregard.

g) The client may meet the spend-down by incurring costs for CILA services. CILA services are considered incurred in total for the month on the first day of the month or the first day services are received if for less than an entire month. If the cost of CILA services equal or exceeds the spend-down amount, the spend-down obligation is met. DMHDD will provide the local office with a statement of expected monthly charges for CILA services to ensure that the spend-down obligation is met.

h) If non-exempt income is equal to or less than the MANG Standard and non-exempt assets are not in excess of the applicable asset disregard, the client is eligible for medical assistance from the first day of the eligibility period.

i) If non-exempt income exceeds the MANG Standard and/or non-exempt assets are over the applicable asset disregard, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. Covered services, less the client's liability, received from the spend-down met date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time the client meets the spend-down obligation.

j) A new application and/or a redetermination of eligibility will not be required for eligible clients who move from an institutional setting to an approved setting in which CILA services are received.

k) A case review is required for eligible cases receiving CILA services.

l) A full redetermination of eligibility shall be made every twelve months.

(Source: Added at 15 Ill. Reg. 2908, effective February 6, 1991)

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1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Number: Proposed Action:

147.200 Amendment

4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the Illinois Department of Public Aid (IDPA) rules to reflect changes in the Illinois Department of Public Health's course prerequisites for Developmental Disabilities Aide and Habilitation Aide. These changes expand the number of courses that can be used to satisfy prequisite requirements.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
____Yes _X_ No

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
147.5	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.5	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.15	New Section	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	January 25, 1991 (15 Ill. Reg. 870)

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Section Numbers	Proposed Action	Illinois Register Citation
147.50	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.50	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.75	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.75	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.250	New Section	September 21, 1990 (14 Ill. Reg. 15243)
147.Table A	Amendment	September 21, 1990 (14 Ill. Reg. 15243)
147.Table C	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table D	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table E	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table F	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table G	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table H	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table I	New Section	January 25, 1991 (15 Ill. Reg. 870)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested

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parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Melanie Post, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 6, 1991

B) Types of small businesses affected: Developmental Disability Aides and Habilitation Aides.

C) Reporting, bookkeeping or other procedures required for compliance: No new reporting or bookkeeping procedures are required.

D) Types of professional skills necessary for compliance: No additional professional skills are needed.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987
147.300	Determination of Program (Specialized Services) Costs
147.305	Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Care Plan (CCP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities
TABLE A	Staff Time and Allocation by Need Level
TABLE B	Staff Time and Allocation for Restorative Programs

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. _____, effective January 30, 1991; amended at 15 Ill. Reg. _____, effective February 5, 1991; amended at 15 Ill. Reg. 2919, effective February 6, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.200 Basic Rehabilitation Aide Training Program

a) Prior to a resident being given credit on the Illinois Assessment of Needs (DPA 2700) for occupational rehabilitation level three (3) (see Section 147.50(d)(10)(B)(iii)) and/or physical rehabilitation level three (3) (see Section 147.50(d)(12))(B)(iii)), the rehabilitation aide providing the service must meet one of the following conditions:

1) Successful completion (score of 75% or more) of the Occupational or Physical Rehabilitation Aide Proficiency Examination administered by the Department of Public Aid in October 1986 for the area in which the aide is to be employed; or

2) Successful completion of an IDPA approved 24 hour Occupational or Physical Rehabilitation Aide Training Program for the area in which the aide is to be employed; or

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3) Be a nurse licensed under the Illinois Nursing Act (Ill. Rev. Stat. ~~1985~~1989, ch. 91 1/2, par. 3401 et seq.) who has received a "Certificate of Completion" from an IDPH approved rehabilitation course.

b) Course Prerequisites

1) Occupational Rehabilitation Aide (ORA).

A) Certified nurse aide (see 77 Ill. Adm. Code ~~300.660~~ 395.300); or

B) An ORA currently enrolled in an IDPH Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code ~~300.660~~ 395.300), but must hold a validated certificate from IDPH prior to functioning as an ORA after January 1, 1987; or

C) A related associate degree or two (2) years of college in one of the following areas:

i) Biological Science

ii) Communication

iii) Education

iv) Medical Technology

v) Nursing

vi) Psychology

vii) Recreation Therapy

viii) Art Therapy

ix) Music Therapy

x) Dance Therapy

xi) Horticulture Therapy

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Section 147.200 Basic Rehabilitation Aide Training Program (Cont'd)

xii) Sociology

xiii) Gerontology, or

D) Successful completion of an IDPH approved 36 hour activity course~~.~~; or

E) Developmental Disabilities Aide (see 77 Ill. Adm. Code 395.310; or

F) An ORA currently enrolled in an IDPH Developmental Disabilities Aide Training Program (see 77 Ill. Adm. Code 395.310); or

G) Basic Child Care/Habilitation Aide (see 77 Ill. Adm. Code 395.320); or

H) An ORA currently enrolled in an IDPH Basic Child Care/Habilitation Aide Training Program (see 77 Ill. Adm. Code 395.320).

2) Physical Rehabilitation Aide (PRA).

A) Certified Nurse Aide (see 77 Ill. Adm. Code ~~300.660~~ 395.300); or

B) A PRA currently enrolled in an IDPH Basic Nursing Assistance Training Program (see 77 Ill. Adm. Code ~~300.660~~ 395.300) but must hold a validated certificate from IDPH prior to functioning as a PRA after January 1, 1987; or

C) Successful completion, as determined by the educational institution, of one year of education in a curriculum leading to credentials as a registered nurse (RN) or a licensed practical nurse (LPN)~~.~~; or

D) Developmental Disabilities Aide (see 77 Ill. Adm. Code 395.310); or

E) A PRA currently enrolled in an IDPH Developmental Disabilities Aide Training Program (see 77 Ill. Adm. Code 395.310); or

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F) Basic Child Care/Habilitation Aide (see 77 Ill. Adm. Code 395.320); or

G) A PRA currently enrolled in an IDPH Basic Child Care/Habilitation Aide Training Program (see 77 Ill. Adm. Code 395.320).

c) Criteria for a IDPA Approved Basic Rehabilitation Aide Training Program is as follows:

1) Application Procedures.

The following information must be furnished to the Department at least sixty (60) days in advance of the training program. Each program sponsor providing its own training must apply for individual program approval. Retroactive approval will not be granted.

A) Program rationale, i.e., philosophy, purpose and brief summary of the identified sponsoring agency and faculty qualifications.

B) Complete outline which specifies program title, objectives, content, and methodology delineated by hour. The instructor has flexibility of teaching content in desired outline.

C) Location and scheduled dates of program (including future dates). If programs are canceled or rescheduled for any reason, the Department must be notified prior to delivery date for purposes of monitoring.

D) A copy of the evaluation tool for participant use must be included. The evaluation tool must evaluate the objectives, content, and instructors.

2) Submitted materials will be reviewed by the Department and the program sponsor will be notified of the Department's action. Approval will be based upon the compliance of the submitted materials with the requirements of this section. If the program is not approved, the

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reason for this decision will be given to the program sponsor.

3) If a program is not approved, the program sponsor may, after making the appropriate modifications, reapply for approval.

4) Orientation to the specific policies of the employing agency shall be in addition to the twenty four (24) hours of instruction.

5) Any change in content, objectives, or instructional staff must be submitted for review.

6) All approved training programs must be resubmitted prior to 30 days of the annual anniversary date of the program's approval for continued approval. In the resubmission process, the program sponsor must submit the information specified in ~~Section 147.200~~subsection (c)(1). Approval will be based upon compliance of the submitted materials with the requirements of this section. In the resubmissions process, the program sponsor shall refer to the number assigned by the Department.

7) Each instructor is to provide 10 questions with answers that cover the course content. The questions and answers will become a bank of questions and answers which will be developed into a non-credit post-examination. This examination will be given by the instructor upon completion of the course to evaluate the effectiveness of training and demonstrate the students competency to the instructor.

d) Instructor Qualifications and Requirements

1) The Occupational Rehabilitation Aide Training Program Instructor shall be a Registered Occupational Therapist with a current Illinois license (see Ill. Rev. Stat. ~~1985~~1989, ch. 111, par. 3701 et seq.) who has no other duties during the hours while engaged in instruction of the training program, and who has had a minimum of three (3) years experience with at least two (2)

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years experience working with geriatrics in a non-acute setting.

2) The Physical Rehabilitation Aide Training Program Instructor shall be a physical therapist with a current or pending Illinois license (see Ill. Rev. Stat. ~~1985~~1989, ch. 111, par. 4251 et seq.) who has no other duties during the hours while engaged in instruction of the training program, and who has had a minimum of three (3) years experience with at least two (2) years experience working with geriatrics in a non-acute setting.

3) Instructor vitae must be submitted and a copy of his/her current license or verification from the Department of Registration and Education of pending licensure.

e) Course Requirements

1) The basic content must be presented in a minimum time frame of three (3) days but not to exceed a maximum of twenty one (21) days unless it is being done by a educational institution (e.g. four year college or university, two year community college, or vocational school) on a term, semester or trimester basis. A ratio of two (2) hours of didactic instruction to one (1) hour of experiential learning exercises must be reflected in the twenty four (24) hours minimum of training. Term, semester and trimester courses may be submitted by an educational institution. The program must include designated hours for each method of teaching.

2) The Basic Occupational Rehabilitation Aide Training Program shall include at a minimum:

A) Module I: Purpose and philosophy.

i) Define the objectives of the occupational rehabilitation program. Upon completion of this unit of instruction, the student will be able to: Differentiate among habilitation, rehabilitation, and occupational

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therapy; and understand the philosophy of habilitation, rehabilitation and occupational therapy.

ii) Identify the concepts of rehabilitation. Upon completion of this unit of instruction, the student will be able to: Discriminate rehabilitation from restorative measures; identify purpose of the restorative measures; identify purpose of rehabilitation measures; and list four compensatory techniques.

iii) Understand the relationship of Occupational Rehabilitation to other long term care facility departments. Upon completion of this unit of instruction, the student will be able to: Match the department name with a description of its function; and list three forms of communication used by the facility to develop an interdisciplinary approach to resident care.

iv) Understand standards of conduct with residents, family, friends, and other staff. Upon completion of this unit of instruction, the student will be able to: Define the purpose of confidentiality; identify appropriate responses to be used with family/friends of residents; identify appropriate responses to resident's behavior; understand need for separation of work and home life; understand the difference between empathy and sympathy; understand ethical responsibility; define fraud; and examine methods to be used to deal with situations that may require applications of ethical responsibility.

B) Module II: Overview of policies.

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i) Understand procedures pertaining to Occupational Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Define the characteristics of appropriate candidates; and understand general admission and discharge criteria.

ii) Understand program documentation requirements. Upon completion of this unit of instruction, the student will be able to: identify the role of documentation; have an awareness of techniques used in screening and assessment; define common medical terminology/abbreviations; read an evaluation/treatment plan; identify components of care plans; and explain ORA's methods of communication of information to the OTR/L.

C) Module III: Specific Occupational Rehabilitation techniques.

i) Develop an awareness of the physical component skills necessary to carry out ADL tasks. Upon completion of this unit of instruction, the student will be able to: Define and describe physical deficits that lead to ADL dysfunction, namely Cardiovascular Accident, Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; and have had an opportunity to experience procedures and suggested activities used for remediation and compensation for physical deficits.

ii) Develop an awareness of the sensory problems that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Define and describe sensory

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deficits that lead to ADL dysfunction, namely Cardiovascular Accident, Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; have had an opportunity to experience procedures and suggested activities used for remediation and compensation of sensory loss; and expand student's knowledge of techniques used by the ORA to improve resident's functioning and compensate for loss of function or to adapt to permanent loss.

iii) Develop an awareness of perceptual/integration components that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Have an awareness of perceptual/integrative deficits that lead to ADL dysfunction, namely body image/scheme, agnosia, apraxias, figure/ground, midline, perseveration, and sequencing; and have had an opportunity to experience procedures and suggested activities used for remediation and compensation of perceptual/integrative dysfunction.

iv) Develop an awareness of cognitive deficits that lead to ADL dysfunction. Upon completion of this unit of instruction, the student will be able to: Identify components of cognition, namely memory, attention span, ability to learn new tasks, problem solving, and judgment; and have had an opportunity to experience procedures and suggested activities used for remediation and compensation for ADL dysfunction.

v) Develop an understanding of the role that motivation and interest play in

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the rehabilitation process. Upon completion of this unit of instruction, the student will be able to: Identify techniques used to gain and hold resident's interest; and identify techniques used to motivate resident.

vi) Understand the deficits of disease, disability and the aging process. Upon completion of this unit of instruction, the student will be able to: Describe and identify symptomatology of the following conditions: Arthritis, Parkinson's, Multiple Sclerosis, Diabetes, Fractures/Amputations, Alzheimer's disease and related disorders, and Developmental Disabilities; and have had an opportunity to experience procedures, adaptation techniques, equipment and environment to enhance independence in ADLs related to enhancing deficit areas.

vii) Learn body mechanics and methods of positioning residents. Upon completion of this unit of instruction, the student will be able to: Demonstrate principles of proper positioning in bed, chair and standing; and demonstrate principles of repositioning and moving residents.

viii) Understand expected behaviors and responsibilities related to emergency procedures. Upon completion of this unit of instruction, the student will be able to: Identify ORA's role with regard to falls, fractures, fires, catheter bags and infection control; and list the adverse symptoms that should caution the ORA.

D) Module IV: Psychological concepts.

i) Identify stereotypes and myths of the aged/chronically disabled. Upon

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completion of this unit of instruction, the student will be able to: Define aging; define chronic dysfunctional process; and discriminate myths/stereotypes from reality.

ii) Recognize the multiple problems of the aged and chronically disabled. Upon completion of this unit of instruction, the student will be able to: Identify types of problems facing the elderly in nursing homes; and identify types of problems facing the disabled in nursing homes.

iii) Understand one's own personal attitudes regarding the elderly and chronically disabled. Upon completion of this unit of instruction, the student will be able to: Discuss how attitudes and values effect expectations of achievement.

iv) Identify Kuebler Ross' stages of death and dying and how they relate to loss. Upon completion of this unit of instruction, the student will be able to: List the five stages of the grieving process; and discuss ways to deal with resident's behavior in each stage.

v) Understand how physical, emotional, psychological losses lead to depression and decreased function. Upon completion of this unit of instruction, the student will be able to: Identify losses that occur in aging; and identify losses that occur in chronic illness.

vi) Understand self esteem and those factors which effect positive and negative motivation. Upon completion of this unit of instruction, the student will be able to: Identify

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factors that influence motivation positively; identify factors that influence motivation negatively; and recognize impact that a care giver can have on resident's self esteem.

3) The Basic Physical Rehabilitation Aide Training Program shall include a minimium:

A) Module I: Philosophy and purpose.

i) Define the role of restorative nursing in long term care. Upon completion of this unit of instruction, the student will be able to: Discern the difference between restorative nursing and physical rehabilitation; and define the role of the nursing assistant in restorative care.

ii) Define the role of Physical Rehabilitation programs in long term care. Upon completion of this unit of instruction, the student will be able to: Define the role of the Physical Rehabilitation Aide; and identify the acceptable parameters of practice for the Physical Rehabilitation Aide, i.e., no manual stretching, no manual resistance.

iii) Identify effects of aging. Upon completion of this unit, the student will be able to: Understand the normal aging process; understand the chronic pathophysiological process; and discriminate myths/stereotypes of aging.

iv) Identify the goals/objectives of Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify modalities used in Physical Rehabilitation to improve functional abilities; identify methods used to upgrade gross motor function; identify

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methods used to assist a resident to develop alternative methods of mobility; will be able to demonstrate methods used to improve safety during application of functional mobility techniques.

v) Identify benefits of Rehabilitation/ Restorative services. Upon completion of this unit of instruction, the student will be able to: Experience techniques that can be used to motivate a resident to achieve the highest level of function; identify methods to use in providing emotional support; increase awareness of the role of Rehabilitation/ Restorative services in improving resident's self-image; and understand the role these services play in encouraging participation in activities, socialization and vocational programs.

vi) Identify PRA's expected attitudes and standards of conduct. Upon completion of this unit of instruction, the student will be able to: State the consequences of falsifying records; discuss methods to deal with situations where the PRA may be asked to falsify records; understand consequences of practicing outside the realm of their duties, i.e., doing assessments, reassessments and evaluations of residents; demonstrate methods to be used to maintain modesty and dignity of residents; understand PRA's role in maintaining confidentiality; and understand and respect resident's rights.

B) Module II: Terminology/abbreviations.

i) Standard medical terminology used in Physical Rehabilitation. Upon completion of this unit of instruction,

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the student will be able to: define the standard terms used in Physical Rehabilitation; and read and understand a Physical Therapist's assessment and progress notes.

ii) Standard medical abbreviations used in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: translate abbreviations; and to read and understand a Physical Therapist's assessment, i.e., identification of problems, goals, approaches/programs.

C) Module III: Disease process.

i) Identify the major neuromuscular disorders encountered in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the major characteristics of a resident with status post CVA, Multiple Sclerosis and Parkinson's disease; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.

ii) Identify the major musculoskeletal disorders encountered in Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the major characteristics of a resident with fractures, amputations of limbs, osteoporosis, arthritis; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.

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iii) Understand the basic body responses of a person with cardiopulmonary disease to Physical Rehabilitation. Upon completion of this unit of instruction, the student will be able to: Identify the impact on an impaired cardiopulmonary system when subjected to Physical Rehabilitation; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.

iv) Identify the neurological disorders encountered in Physical Rehabilitation: Identify the major characteristics of a resident with Alzheimer's disease, Epilepsy and Organic Brain Syndrome; experience methods used to provide Physical Rehabilitation services to residents with these conditions; and identify precautions to be observed when delivering services to these clients.

f) To evaluate the effectiveness of the Basic Rehabilitation Aide Training in educating the trainees, upon completion of the training program, each participant must take a non-credit post-test that encompasses the didactic and experiential learning opportunities presented. The Department will provide a post-test that shall be developed from questions submitted by licensed occupational and physical therapists who have received IDPA approval for rehabilitation aide courses. A summary of post-test scores must be returned to the Department. The instructor shall submit for validation only those certificates of students who the instructor feels have demonstrated competency.

g) The Illinois Department of Public Aid shall monitor the training program. If the program, approved pursuant to ~~Section 147.200~~subsection (c)(3), is not being delivered, program approval will be rescinded.

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h) Certificates

1) Proof of successful completion of the approved program necessitates the sponsoring organization to award certificates to the trainees. The following information must be sent to the Department prior to the Department validating the certificates:

A) evidence of successful completion of the designated course, i.e., the certificate,

B) a list of the names of attendees,

C) a list of social security numbers of the attendees,

D) course completion date,

E) program approval number,

F) the CNA's certificate, or

G) proof of credentials other than CNA certificate, that qualify student to be a candidate. A certificate will not be validated if the trainee lacks the prerequisites specified in ~~Section 147.200~~subsection (b).

2) The Department will return the validated certificates to the sponsor(s) for distribution. The following minimum information must be typed on the certificates before they are sent to the Department for validation:

A) Name of the trainee and Social Security number.

B) Title: Basic Occupational or Physical Rehabilitation Training Program, as appropriate.

C) Candidate qualifications, e.g., CNA, 36 hour activity course (see ~~Section 147.200~~ subsection (b)).

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D) Identification number of the program.

3) Successful completion of the course does not imply "certification" of the rehabilitation aide by the State. It only indicates that the person has successfully completed the Basic Rehabilitation Aide Training Program and that services provided by this individual to Medicaid recipients living in licensed long term care facilities may be eligible for reimbursement so long as all of the rule pertaining to this sub-section is adhered to (see Sections 147.50(d)(10)(B)(iii) and 147.50(d)(12)(B)(iii)).

i) Requests for approval of programs and other related correspondence are to be submitted to~~:~~ the Bureau of Long Term Quality Care.

~~Illinois Department of Public Aid~~
~~Professional Resource Coordination Section~~
~~Bureau of Long Term Care~~
~~931 East Washington, 2nd Floor~~
~~Springfield, Illinois 62763~~

(Source: Amended at 15 Ill. Reg. 2919, effective February 6, 1991)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

1) Heading of Part: Accommodation of Utilities on Right-of-Way

2) Code Citation: 92 Ill. Adm. Code 530

3) Section Numbers: Proposed Action:

530.10	530.230	530.440	530.830	New Section
530.20	530.240	530.450	530.840	New Section
530.30	530.250	530.460	530.900	New Section
530.40	530.260	530.470	530.Ill.A	New Section
530.50	530.270	530.480		New Section
530.60	530.275	530.500		New Section
530.100	530.280	530.510		New Section
530.110	530.290	530.520		New Section
530.120	530.300	530.530		New Section
530.130	530.310	530.600		New Section
530.140	530.320	530.610		New Section
530.150	530.330	530.700		New Section
530.200	530.400	530.710		New Section
530.210	530.410	530.800		New Section
530.220	530.420	530.810		New Section
530.225	530.430	530.820		New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 121, pars. 4-201.1 and 9-113.

5) A complete description of the subjects and issues involved:

The Department proposes to implement procedures for regulating the accommodation of public utilities on the right-of-way of the State Highway System which will provide public benefits such as the preservation of the integrity, safe usage, and visual qualities of the State Highway System.

This Part allows utilities' longitudinal installations on the right-of-way. In addition, this Part sets standards for permit application, revocation of permits, and the location, installation and maintenance of utilities' facilities on right-of-way of the State Highway System.

The 85th General Assembly passed, and the Governor signed, Public Act 85-540 which allowed longitudinal utility installations on controlled access highway when allowed by the Federal Highway Administration (FHWA). In 1988, the FHWA approved longitudinal utility installations on

controlled access Federal-Aid highways. In March of 1990, the FHWA approved the Department's Utility Accommodation Plan for the State Highway System.

Elsewhere in this issue of the Illinois Register, the Department proposes to adopt a repealer of the old rules on accommodation of utilities on right-of-way, replacing them with this Part.

A discussion of the significant differences between the old rules on utility accommodations and the new rules follows.

The materials incorporated by reference have been updated in the new Part and several publications have been added.

The Department added new definitions required by the revisions to the new Part.

Section 530.225, entitled "Waiver of Rights and Indemnification" has been added to the new Part. By applying for a permit, the applicant waives those rights and privileges granted by the Illinois Underground Utility Facilities Damage Prevention Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1601 et seq.). This Section provides clarification of potential contradictions between the existing laws.

The Department removed the provisions included in the old Section entitled "Authority." Direct quotations from the Illinois Highway Code are unnecessary.

A new Section entitled "Legal Obligations" has been added to the new Part and the provisions in "Permits" from the old Part are now included under "Legal Obligations."

The material under "Signatory Authority" in the old Part has been deleted.

The Section entitled "Fees and Assessments" has been expanded to specify that fees can be charged.

The material under "Traffic Protection" in the old Part is now contained in Section 530.240.

The material in the Section entitled "Exceptions to Policy" is now included in the new Section entitled "Variances."

Some Sections in the old Part have been deleted and the information can now be found under "Purpose" in the new rule.

The references to "Local Road Systems" have been deleted from the new rule because the new rule is limited to State highways only.

Encasement requirements for specific utilities are included in appropriate Sections under "Subpart D: Specific Permit Conditions."

The provisions contained in "Construction Methods" in the old Part are now contained in Section 530.500 of the new Part and in Subpart D.

The language in the old Part entitled "Liabilities" is now contained in Section 530.50 "Indemnification and Insurance."

The new Part includes Sections on Surety Bonds (See Sections 530.270 - 530.280). The bond submittal procedures and the bond forms described in the old Part have been eliminated from the new Part. The names of the surety bonds in the Section entitled "Surety Bond" have been changed.

The provisions contained in the Section entitled "Review by Federal Highway Administration" in the old Part have been deleted. The Federal Highway Administration has approved the Department's Utility Accommodation Plan, and, in the future, only variances will require FHWA approval.

The provisions found in Section 530.119 can now be found in Subpart I, "Administrative Remedies."

The provisions found in Section 530.120 can now be found in Section 530.40, "Legal Obligations."

The provisions contained in Section 530.121, "Miscellaneous Facilities" have been deleted from the

new rule. The definition of "Utility" has been clarified and the new Part applies only to those facilities defined as a utility. Miscellaneous facilities are not addressed.

The provisions contained in Section 530.122, "Abandonment" are now included in Section 530.830, "Non-Use."

The provisions found in Section 530.123 of the old Part are now included in Section 530.40, "Legal Obligations."

The provisions found at Section 530.302 are now included in Section 530.410.

The provisions found at Section 530.303 are now included in Section 530.410.

The provisions found at Section 530.401 are now included in Section 530.420.

The provisions contained in Section 530.402 are now included in Section 530.420.

The provisions contained in Section 530.403 are now included in Section 530.420.

The provisions contained in Section 530.501 are now included in Section 530.430.

The provisions contained in Section 530.502 are now included in Section 530.430.

The provisions contained in Section 530.503 are now included in Section 530.430.

The provisions contained in Section 530.601 are now included in Section 530.440.

The provisions found at Section 530.602 are now included in Section 530.440.

The provisions found at Section 530.603 are now included in Section 530.440.

The provisions found in "Subpart H: Tree Trimming for Line Clearance," can now be found in "Subpart F: Vegetation Control."

The provisions in "Subpart I: Utility Attachments to Bridges or Traffic Structures;" is now included in "Subpart G: Utility Attachments to Bridges or Traffic Structures."

The provisions in Section 530.803 are now included in Section 530.700(f).

The provision contained in Section 530.804 is now included in Section 530.830(b).

Most of Subpart J of the old Part has been deleted because it describes internal processing procedures.

Sections 530.907 and 530.909 can now be found in Sections 530.60 and 530.800(b) respectively.

The Sections new to Part 530 which are not included in the old Part 530 are as follows:

530.110	Emergency Contingency Plans
530.140	Access of Freeway Right-of-Way
530.200	Obligation to Comply
530.210	Application Provision
530.220	Departmental Standards
530.225	Waiver of Rights and Indemnification
530.270	Requirement for a Surety Bond
530.275	Surety Bond
530.280	Surety Bond Coverage
530.300	As Built Plans
530.330	Design of Facilities
530.470	Above-Ground Facilities - Other Utilities
530.480	At-Grade Facilities - Railroad Tracks
530.520	Post Installation Location
530.530	Railroad Facilities
530.800	Denial of Applications
530.810	Sanctions and Other Remedies
530.820	Incompatibility with Highway Use
530.840	Change of Ownership or Owners' Identity or Legal Status
530.900	Administrative Review
530.Illustration A--District Boundary Map	

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Utilities, whether or not they operate through a local municipality, are required by this Part to obtain a permit for the accommodation of utility lines on State right-of-way.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James Shay
Engineer of Maintenance
Department of Transportation
Division of Highways
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764
(217) 782-7231

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.:

B) Types of small businesses affected: Small businesses with assets totaling less than $500,000 are required by this Part to obtain a surety bond before receiving a permit. All other requirements contained in this Part apply to anyone requesting accommodation of utility lines on State right-of-way.

C) Reporting, bookkeeping or other procedures required for compliance: No special reporting or bookkeeping requirements are required of small businesses.

D) Types of professional skills necessary for compliance: No special professional skills are necessary by small businesses for compliance with this Part.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 530
ACCOMMODATION OF UTILITIES ON RIGHT-OF-WAY

SUBPART A: GENERAL PROVISIONS

Section
530.10 Purpose
530.20 Incorporation by Reference
530.30 Definitions
530.40 Legal Obligations
530.50 Indemnification and Insurance
530.60 Utility Permits to Public Entities

SUBPART B: PERMIT APPLICATION REQUIREMENTS

Section
530.100 Permit Application
530.110 Emergency Contingency Plans
530.120 Fees or Assessments
530.130 Variances
530.140 Access of Freeway Right-of-Way
530.150 Suitability of Materials

SUBPART C: GENERAL PERMIT CONDITIONS

Section
530.200 Obligation to Comply
530.210 Application Provision
530.220 Departmental Standards
530.225 Waiver of Rights and Indemnification
530.230 Location of Facilities
530.240 Traffic Control
530.250 Cleanup and Restoration
530.260 Scenic Restrictions
530.270 Requirement for a Surety Bond
530.275 Surety Bond
530.280 Surety Bond Coverage
530.290 Maintenance
530.300 As-Built Plans
530.310 Obligation to Remove, Relocate, or Modify
530.320 Apportionment of Costs
530.330 Design of Facilities

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

SUBPART D: SPECIFIC PERMIT CONDITIONS

Section
530.400 Underground Facilities - Power and Communication Lines
530.410 Underground Facilities - Gas Transmission Lines
530.420 Underground Facilities - Petroleum Products Pipelines
530.430 Underground Facilities - Waterlines
530.440 Underground Facilities - Sewer Lines and Drainage Lines
530.450 Above-Ground Facilities - Power and Communication Lines
530.460 Above-Ground Facilities - Light Poles and Lighting Power Lines
530.470 Above-Ground Facilities - Other Utilities
530.480 At-Grade Facilities - Railroad Tracks

SUBPART E: CONSTRUCTION METHODS AND MAINTENANCE WORK ON UTILITIES

Section
530.500 Construction Methods for Utility Installations
530.510 Encasement
530.520 Post Installation Location
530.530 Railroad Facilities

SUBPART F: VEGETATION CONTROL

Section
530.600 Tree Trimming
530.610 Chemical Vegetation Control

SUBPART G: UTILITY ATTACHMENTS TO BRIDGES OR TRAFFIC STRUCTURES

Section
530.700 General
530.710 Methods of Attachment

SUBPART H: APPLICATION DENIAL, REVOCATION AND SANCTIONS

Section
530.800 Denial of Applications
530.810 Sanctions and Other Remedies
530.820 Incompatibility With Highway Use
530.830 Non-Use
530.840 Change of Ownership or Owner's Identity or Legal Status

SUBPART I: ADMINISTRATIVE REMEDIES

Section
530.900 Administrative Review

Section
530.Illustration A -- District Boundary Map

AUTHORITY: Implementing Section 9-113 and authorized by Section 4-201.1 of the Illinois Highway Code (Ill.Rev.Stat.1989, ch. 121, pars. 4-201.1 and 9-113).

SOURCE: Adopted at 3 Ill. Reg. 19, p. 45, effective May 7, 1979; codified at 7 Ill. Reg. 3202; Part repealed, new Part adopted at 15 Ill. Reg. 2940, effective February 11, 1991.

SUBPART A: GENERAL PROVISIONS

Section 530.10 Purpose

a) The purpose of this Part is to establish policies and procedures for accommodating utilities on right-of-way of the Illinois State Highway System, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the State Highway System.
b) A decision regarding the accommodation of a utility at a particular location should be made consistent with sound engineering practices.
c) The Department's determination would include an evaluation of the direct and indirect environmental and economic effects of any loss of productive agricultural land which would result from the disapproval of the use of the right-of-way of a highway for the accommodation of such utility. Thus, while this Part provides standards for accommodating utilities on right-of-way of the Illinois State Highway System, under the jurisdiction of the Department, this Part is not a substitute for sound engineering judgment (See Section 530.30, "Sound Engineering Judgment").
d) Because it is impossible to anticipate all future highway needs or proposals, the Department reserves the right to deny an application or to deviate from the standards of this Part if sound engineering reasons dictate such action.
e) This Part applies to all utility facilities on public highway right-of-way in which the Department has an interest, whether those facilities are permitted or not and whether those facilities were in place before or after the promulgation of this Part.
f) This Part supersedes the Department's Policy on the

Accommodation of Utilities on Right-of-way of the Illinois State Highway System issued May, 1979 and all prior issues.

Section 530.20 Incorporation by Reference

a) This Part incorporates references which are the basis and guidelines for the development of the Department's policy for accommodation of utilities on right-of-way of the Illinois State Highway System. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies of the appropriate materials are available from the Department's Central Bureau of Maintenance, Division of Highways, 2300 South Dirksen Parkway, Springfield, Illinois 62764 and all nine highway District offices (see Section 530.Illustration A).
   1) American Association of State Highway and Transportation Officials (AASHTO) - A Guide for Accommodating Utilities Within Highway Right-of-Way (Copyright, 1981).
   2) AASHTO - A Policy on the Accommodation of Utilities Within Freeway Right-of-Way (Copyright, 1989).
   3) U.S. Department of Transportation, Federal Highway Administration (FHWA) - Federal-Aid Highway Program Manual Transmittal 426 (HNG-12) dated November 11, 1988 (Volume 6, Chapter 6, Section 3, Subsection 2).
   4) U.S. Department of Transportation, Federal Highway Administration - Federal-Aid Highway Program Manual Transmittal 74 (HRW-0) dated October 4, 1974 (Volume 7, Chapter 4, Section 3).
   5) Institute of Electrical and Electronics Engineers, Inc., - American National Standards, National Electrical Safety Code (ANSI C2-1990).
   6) The American Society of Mechanical Engineers - American National Standards, Gas Transmission and Distribution Piping Systems (ANSI/ASME B31.8), 1989 edition.
   7) The American Society of Mechanical Engineers - American National Standards, Liquid Petroleum Transportation Piping Systems (ANSI/ASME B31.4), 1989 edition.

8) The Associated General Contractors of Illinois - Standard Specifications for Water and Sewer Main Construction in Illinois, 4th edition, May 1986 publication.
9) International Society of Arboriculture - Valuation of Landscape Trees, Shrubs and Other Plants (Copyright 1988).
10) Office of Pipeline Safety Operations, U.S. Department of Transportation, (49 CFR Parts 191 and 192) - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, revised as of October 1, 1988.
11) AASHTO - Roadside Design Guide, (Copyright 1989).
12) Office of Federal Register National Archives and Record Administration - National Bridge Inspection Standards (23 CFR 25), revised as of April 1, 1984.

b) NOTE: The references listed above are also available through the following sources:

1) Items 1, 2 and 11:

AASHTO
444 North Capitol, N.W.
Suite 225
Washington, D.C. 20001

2) Items 3, 4, 10 and 12:

United States Department of Transportation
Federal Highway Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

3) Item 5:

American National Standards Institute
1430 Broadway
New York, New York 10018

4) Item 6 and 7:

The American Society of Mechanical Engineers
345 East 47th Street
New York, New York 10017

5) Item 8:

The Associated General Contractors of Illinois
3219 Executive Park Drive, P.O. Box 2579
Springfield, Illinois 62708

6) Item 9:

International Society of Arboriculture
P.O. Box 908
Urbana, Illinois 61801

Section 530.30 Definitions

As used in this Part, the words and terms listed shall have the meanings ascribed to them as follows:

"ANSI" - American National Standards Institute.

"Applicant" - A person applying for a permit under this Part.

"ASTM" - American Society for Testing and Materials

"Backfill" - The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.

"Casing" - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear Zone" - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the

AASHTO Roadside Design Guide, incorporated by reference in Section 530.20.

"Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Code" - The Illinois Highway Code (Ill.Rev.Stat.1989, ch.121, pars. 1-101 et seq.)

"Conductor" - Wire carrying electrical current.

"Conduit" - A casing or encasement usually for an electrical conductor.

"Control of Access" - To designate, establish and regulate existing or proposed State highways as freeways, including the acquisition of all existing, future or potential easements or rights of access, crossing, light, air or view, to, from or over such freeway right-of-way, from or to any real property abutting such freeway right-of-way.

"Conventional Highway" - State highway with minimum access control.

"Cover" - The depth of earth or backfill over buried utility pipe or conductor.

"Department" - The Illinois Department of Transportation.

"Department Approved" - The approval of the Department requires compliance with this Part. The Department's approval shall be consistent with commonly recognized and accepted traffic control and construction principles, including material selection, and with sound engineering judgment.

Unless otherwise provided in the permit or in this Part, the following Departmental publications shall serve, inclusively and not exclusively, as examples of such principles and standards:

Standard Specifications for Road and Bridge Construction

Supplemental Specifications and Recurring Special Provisions
Highway Design Manual
Highway Standards Manual
Standard Specifications for Traffic Control Items
Illinois Manual on Uniform Traffic Control Devices
Flagger's Handbook
Work Site Protection Manual for Daylight Maintenance Operations

If the Department finds there is a discrepency between differing principles, it shall determine which principles apply. If requested, the Department shall state what standard will apply to the construction, maintenance, or operation of a facility in the future. The Department's determination will not be changed unless it finds that the determination was incorrect or that a new standard is clearly superior to the earlier standard. If the Department makes such a finding, it shall notify in writing all parties to whom it had given its earlier determination.

Requests for determinations and publications may be addressed to:

Illinois Department of Transportation
Division of Highways
Chief of the Bureau of Maintenance
2300 South Dirksen Parkway
Springfield, Illinois 62764

"Disrupt the right-of-way" - Anything that causes the right-of-way to be in a condition other than that appropriate for its intended use as a highway right-of-way. Such changes to the condition may include, but are not limited to, the following:

excavating or other cutting;
placement (whether temporary or permanent) of materials, equipment, devices, or structures;
damage to vegetation; and
compaction or loosening of the soil.

"District" - Any one of the nine administrative subdivisions of the Department's Division of Highways (see Section 530.Illustration A).

"District Engineer" - The Chief Executive Officer of a District.

"Encasement" - Provision of a protective casing.

"Expanding Areas" - Areas where plans for commercial or residential development are being contemplated.

"Extra Heavy Pipe" - Pipe meeting ASTM standards for this pipe designation.

"Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Fully Access-controlled Highways" - State highways which have been designated, established and are regulated as freeways to which access is never permitted excepting only by way of grade separated intersections with selected roads and streets. Federal Aid Interstate and Defense Highways, Chicago Area Expressways, Supplemental Freeways and those primary highways constructed to freeway standards are included in the category of Fully Access-controlled Highways.

"Highways" - Rural or urban roads or streets, right-of-way, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic under the jurisdiction of the Department. This term includes all of the right-of-way, including structures, ditches and embankments.

"ILCC" - Illinois Commerce Commission.

"Immediate" or "Immediately" - That which is done within a period of time specified by the Department. If no time period is specified, the time period shall be two hours.

"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting" - Pushing a pipe through the earth using

water under pressure to create a cavity ahead of the pipe.

"Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.

"Occupancy" - The presence of utility facilities on, over or under highway right-of-way.

"Overlook" - A roadside turnout for motorists to safely enjoy a scenic panorama.

"Owner Corporation" - The company or corporate entity that owns or operates a utility.

"Part" - The Department's Utility Accommodation Plan.

"Pavement Cut" - The removal of an area of highway pavement for access to an underground utility installation.

"Permit" - Formal authorization by the Department to construct and maintain utility facilities on State highway right-of-way.

"Permittee" - That entity which has a permit issued pursuant to Section 9-113 of the Code.

"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Prompt" - See "Timely."

"Public Entity" - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Rest Area" - A roadside area or park for motorists to rest and relax in the interest of highway safety.

"Restoration" - The repair of an area or highway facility disrupted by the construction, maintenance or repair of a utility.

"Right-of-Way" - Land owned as an easement or in fee devoted to highway purposes. Although a utility may have its own right-of-way, this term is used in this Part to designate the real estate on which a highway is located.

"Roadway Structure" - That part of the highway that includes the pavement and shoulders.

"Scenic Easement" - A right or inferred right in land abutting a State highway which has been acquired to preserve roadside environment having aesthetic or historical features.

"Shoulder" - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment" - A decision(s) based on expertise and knowledge of engineering principles, practices and experience.

"Spur Track" - When railroad tracks on one side of a State highway are connected to a customer on the other side of that highway, the connecting track shall be known, for the purposes of this Part, as "spur track."

"Timely" - That which is done within a period of time specified by the Department. If no time period is specified, the period shall be 30 days.

"Travel Lane" - A portion of the paved area of the roadway having a definite width allowing for the movement of a legal width vehicle.

"Trench" - A relatively narrow open excavation for the installation of an underground utility element.

"Utility" - A privately, publicly or cooperatively owned line, facility or system for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage or any other similar commodity, including any fire or police signal system

or street lighting system, which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any wholly owned or controlled subsidiary. The term utility includes those facilities used solely by the utility which are a part of its operating plant.

"Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Wet Boring" - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

Section 530.40 **Legal Obligations**

a) Only a permit issued by the Department under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code (the Code). Permits are not required for existing railroad tracks which do not now have permits.

b) A permit issued pursuant to this Part constitutes a valid contract, and is to be construed under Illinois law and enforced in Illinois courts. Because the failure of a permittee to comply with its contract may result in monetary or other damages (which may be difficult or impossible to predict) to the Department or its contractors, liquidated damages may be required in a permit. All litigated claims against the Department will be heard by the Illinois Court of Claims.

c) A permit from the Department grants permission only to undertake certain activities in accordance with this Part on a State right-of-way, and does not create a property right or grant authority to the permittee to impinge on the rights of others who may have an interest in the right-of-way. Such others might include an owner of an underlying fee simple interest if the right-of-way is owned as an easement, an owner of an easement, or another permittee.

d) It shall be the responsibility of the permittee to ascertain the presence and location of existing underground facilities on the highway right-of-way to be occupied by their proposed facilities.

e) The permittee shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way.

f) The permittee shall comply with all other applicable laws relating to the placement of utility lines.

g) The issuance of a utility permit by the Department does not excuse the permittee from complying with other requirements of the Department (e.g., oversize and overweight vehicles) or the requirements of other State agencies including, but not limited to, the following:

Illinois Commerce Commission
Illinois Department of Agriculture
Illinois Department of Conservation
Illinois Department of Mines and Minerals
Illinois Environmental Protection Agency
Illinois Historic Preservation Agency

h) Rights of abutting and underlying property owners are protected by common law and Sections 9-113 and 9-127 of the Code. The Department will not be a party in any negotiations between the utility and abutting property owners.

i) In no case shall the permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the State highway right-of-way.

j) Each person responsible for an utility, in place on the effective date of this Part, on a State highway right-of-way shall notify the Department in writing, within twelve months of that date, if that facility does not comply with this Part. For example, a noncompliant utility might be too close to the pavement or have insufficient cover. The Department shall treat such a notice as a request for a variance under Section 530.130. Until informed that a variance will not be granted, a person responsible for a pre-existing utility will not be in violation of this Part. The failure to provide such notice constitutes a violation of this Part and of the utility accommodation permit (if any) and would justify the imposition of the sanctions set forth in Section 530.810.

Section 530.50 Indemnification and Insurance

a) The permittee shall defend, indemnify, and hold the State, its employees, and its contractors harmless from all claims for injuries and damages to persons or property (including that of the permittee) relating to the installation, maintenance, relocation, presence, use or removal of the facility.

b) Each District shall determine whether a permittee must provide liability insurance. When making its determination, the District shall consider all relevant factors including, but not limited to, the following:
   1) The potential for harm to highway users or other parties that might make a claim against the Department.
   2) The ability of the permittee, without insurance, to satisfy a claim against the Department.

c) Any insurance policy (or amendment or rider thereto) required by this Section shall contain the following provisions:
   1) The Department, its employees, and its agents must be included as named insured.
   2) The Department will be notified at least 30 days prior to the termination or modification of the coverage.
   3) The amount of coverage must be sufficient to protect the Department (including its employees and agents) from estimated projected claims.

Section 530.60 Utility Permits To Public Entities

a) General
   A Utility Permit issued to a public entity shall be executed by an officer authorized to do so by the elected governing body. The executed Permit shall have an attached certification that the signature and commitments were authorized by "Resolution" of the elected governing body.

b) Municipalities, Counties, Townships and other local units of government
   Occupation or crossing of State Highway right-of-way by utility installations owned by a local unit of government are subject to all of the requirements of this Part except the surety bonding requirement.

c) Sanitary Districts, Water Districts and other public Entities

Occupation or crossing of State Highway right-of-way by utility installations of a sanitary district, a water district or any public entity are subject to all of the requirements of this Part.

d) Other State Agency

Occupation or crossing of State Highway right-of-way by State agency-owned utility installations are subject to all of the requirements of this Part except the surety bonding requirement.

SUBPART B: PERMIT APPLICATION REQUIREMENTS

Section 530.100 Permit Application

a) The permit application shall be in a form prescribed by the Department. Upon request, forms will be supplied by the Department. The application shall require the applicant to provide specific information necessary for the Department to determine whether a permit should be issued. As a minimum, the following information shall be provided:
   1) Name of applicant.
   2) Legal status of applicant, such as an individual, joint venture, partnership, incorporation, or governmental unit.
   3) Address, zip code, and telephone number of the applicant.
   4) Proposed use of highway (describe what applicant wants to do), including location, physical description, and type of materials to be used. Scale drawings are preferred.
   5) Time schedule for initiation and completion of various steps of the work proposed.

b) If required (See Section 530.270 "Requirement for a Surety Bond"), the permit application will be accompanied by a surety bond (photocopy of continuing bond is acceptable) that includes the Department as an additional named insured guaranteeing that the proposed work will comply with the terms of the permit, that the applicant will reimburse any injured party for damages relating to the permitted work, and that the applicant will remove or modify the permitted facility in a timely manner if required to do so by the Department or its successor.

c) The applicant shall show either:
   1) compliance with other State agencies, or
   2) that the regulations of no other State agencies are relevant to what has been proposed by the applicant.

d) Applications for gas pipeline permits shall state the proposed pipe size, design, construction class and operating pressures.

e) Applications should be submitted to the Department at the Highway District Office responsible for the area of the permit. Applications involving more than one District should be submitted to:

Illinois Department of Transportation
Bureau of Maintenance, Services Section
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217)782-7228

A map showing the areas covered by the nine Highway District Offices and the addresses of those offices is included at Section 530.Illustration A.

Section 530.110 Emergency Contingency Plans

Each applicant, who can anticipate emergency situations that may require an immediate response, shall include an emergency contingency plan with the permit application. This emergency contingency plan shall specify the nature of potential emergencies and the intended response by the applicant. The intended response shall include notification of the Department and protection of the safety and convenience of the highway users.

Section 530.120 Fees or Assessments

a) The Department charges no fees for the administration of the utility occupancy policy for conventional highways.

b) Compensation, based upon an appraisal by the Department of the fair market value of an easement or leasehold for such use of the highway right-of-way, will be

charged for longitudinal utility accommodations located upon, under, or along fully access-controlled highways. Such compensation may include in-kind compensation. All fees may be reviewed once every five years and may be adjusted by the Department based on changes in the fair market value for the use of the highway right-of-way. The Department will charge reimbursement fees for engineering, legal, and other expenses incurred in evaluating applications and in establishing such compensation.

c) Charges will also be assessed for the attachment of utility facilities to bridge structures.
   1) Assessment charges for utility attachments to highway structures are not intended to produce revenue. The charges are assessed to cover the cost of the engineering analysis required and as compensation for the addition of weight that reduces the available live-load capacity of existing bridges and enters into the cost of proposed new bridges.
   2) The assessment charge for utility attachment is based on the ratio of the weight of the proposed utility elements to the live-load for which the structure was or will be designed. The factor arrived at from the foregoing ratio is applied against the cost of the load-bearing elements of the structure, including piers or abutments.
   3) The minimum charge for any utility attachment to a highway structure will be $300.

Section 530.130 Variances

a) Request for Variance
Requests for utility occupancies that would not conform to this Part will be considered individually. Variance from this Part may be granted where terrain features or other conditions would make compliance impractical or unreasonable. A variance will not be granted when such action may tend to diminish the value of the highway to the traveling public or to disadvantage unduly other (including future) utility use.

b) Review of Variances by Federal Highway Administration
This Part has the approval of the Regional Administrator of the Federal Highway Administration insofar as federally-aided highways are concerned.

However, any proposed utility installation on federally-aided highways that is not in compliance with the general provisions of this Part and permits involving longitudinal installations of private lines, are subject to review by the Federal Highway Administration.

Section 530.140 Access of Freeway Right-of-Way

Access from the through travel lanes or ramps on fully access-controlled highways will not be permitted for installing or servicing of utility facilities except as provided in the AASHTO publication titled "A Policy on the Accommodation of Utilities within Freeway Right-of-Way" incorporated by reference at Section 530.20.

Section 530.150 Suitability of Materials

Only Department approved, as defined in Section 530.30, materials shall be used in utility installations in the right-of-way of the State Highway System.

SUBPART C: GENERAL PERMIT CONDITIONS

Section 530.200 Obligation to Comply

Every permittee shall comply with the terms and conditions of the permit unless authorized, in writing by the Department, to do otherwise. The terms and conditions shall include those requirements set forth in this Part. Specific conditions are listed in Subpart D.

Section 530.210 Application Provision

Statements and schematics in the application are material conditions of the permit.

Section 530.220 Departmental Standards

a) The permittee shall operate in a Department approved, as defined in Section 530.30, manner for traffic control, for use of the right-of-way, and for cleanup and restoration in a timely manner in accordance with Sections 530.240 and 530.250.

b) The Department's standards may be communicated in either written or spoken directives. A spoken

directive shall be followed by a consistent written confirmation within 15 calendar days.

Section 530.225 Waiver of Rights and Indemnification

The Permittee, by use and as a condition of its permit, agrees to the following:

a) To waive all rights and privileges which may require the Department to avoid or minimize interference with permitted facilities and to be liable for damage to such facilities. By this waiver, permittee acknowledges:
   1) that the Department may remove, relocate, or modify the permitted facilities, in accordance with Section 530.310, without being liable to permittee for any damage, direct or consequential, resulting therefrom and
   2) that the Department may damage facilities which have not been placed in the area specified by the permit;

b) To indemnify, defend, and hold the Department harmless from all claims by persons adversely affected by the Department's removal, relocation, or modification of the permitted facility pursuant to Section 530.310 and by damage to facilities which have not been placed in the area specified by the permit.

Section 530.230 Location of Facilities

a) In general, all utility installations shall be located as follows:
   1) Longitudinal utilities shall be located as near the right-of-way line as practicable and not more than eight feet from and parallel to the right-of-way line.
   2) No new above-ground utility facilities shall be located in the area established as clear zone for that particular section of highway.
   3) No new longitudinal utility installations will be permitted under paved longitudinal portions of streets or highways under Department jurisdiction; however, new cables will be allowed in existing ducts if they can be installed without disrupting the pavement.
   4) Utility crossing facilities installed between the ditch lines or curb lines of State highways shall be designed and constructed and shall incorporate materials and protective appurtenances so as to virtually preclude future disruption in these areas. Protection may include encasement, additional cover, or other measures that might not be required outside the areas.
   5) Utilities will not be permitted to cross under State highways, in cattle passes, culverts or other drainage facilities.
   6) Manholes will not be permitted in the traffic lanes or shoulders of State highways. Existing manholes may be permitted to remain.
   7) Bridges or tunnels to carry utilities other than railroads or public utilities, over or under State highways, shall be considered as a use of "air rights" and shall be processed on federally aided highways as prescribed in Federal-Aid Highway Program Manual Volume 7, Chapter 4, Section 3. The same provisions shall apply to non-federally aided State highways except the approval of FHWA will not be a requirement.
   8) Utility crossings shall be at or as near as practicable to a 90 degree angle with the highway centerline.
   9) No utility appurtenances such as pumping stations and transformers serving a longitudinal facility will be allowed in interchanges.
   10) The inability to locate a longitudinal facility within the prescribed distance from the right-of-way line will be grounds for denial.

b) Installations not conforming with subsection (a) will require the granting of a variance by the Department.

Section 530.240 Traffic Control

a) The permittee is responsible for providing and installing warning signs, protective devices and flaggers as specified in the permit to provide protection of the traveling public and the utility's workers when on the right-of-way.

b) In the event that the traffic protection requirements are not contained in the permit, the permittee shall provide proper traffic control and protection in a safe and convenient manner which shall be Department approved as defined in Section 530.30.

c) Flaggers shall control traffic in a safe and convenient manner that is Department approved as defined in Section 530.30.

Section 530.250 Cleanup and Restoration

The right-of-way shall be returned to a condition which is at least as good as it was before the permitted work took place, in a timely manner. This includes restoration of entrances and side roads. Restoration of roadway surfaces will be made using Department approved materials and methods (See Section 530.30 "Department Approved").

Section 530.260 Scenic Restrictions

a) Special restrictions on utility occupancy may be imposed where visual quality is an important consideration; for example, scenic easements, rest areas, public parks, overlooks, and recreation areas.
b) New underground or aerial installations may be permitted only when they do not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
c) Aerial installations may be permitted only when:
   1) other locations are not available or are usually difficult and costly, or are less desirable from the standpoint of aesthetic quality;
   2) placement underground is not technically feasible or is unreasonably costly; and
   3) the proposed installation will be made at a location, and will employ suitable design and materials, which give the greatest weight to the aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

Section 530.270 Requirement for a Surety Bond

Surety bonds in the amount prescribed in Section 530.280 will be required for:

a) Individual utilities whose assets are less than $500,000. A copy of the utility's latest annual report indicating assets of at least $500,000 may be submitted in lieu of a bond.
b) Individual utilities with previously poor performance record. Types of poor performance include a history of using inferior methods and materials, poor maintenance of utility appurtenances and failing to comply with Department directives (which have not been nullified by a court of competent jurisdiction) or conditions of other utility permits.
c) Individual utility contractors with previously poor performance record. (See subsection (b))
d) Variances to this Part. (See Section 530.130, "Variances")

Section 530.275 Surety Bond

a) If required, the permittee shall furnish a surety bond on a form approved, and in an amount specified, by the Department.
b) General
   1) The surety bonds required for utility work and occupancy on State highway right-of-way are intended primarily to assure the prompt and satisfactory replacement, repair, and completion of work (at no cost to the State or its contractors) on State highway facilities that may be damaged or disrupted by the utility company's operations or occupancy. These bonds are not to be considered as personal injury and property damage insurance.
   2) A surety bond remains in effect until released by the Department.
   3) The monetary value of the surety shall be based on the potential for highway facility damages which may be related to the type and volume of transmittant, the physical dimensions of the utility facilities, and the permittee's history of noncompliance.
   4) The Department will accept bonds from only those sureties that meet the Department's standards for acceptability as set forth in 44 Ill. Adm. Code 675.240.

5) The bonding company shall commit itself to notify the Department of its intention to terminate the bond at least 30 days before termination. The permittee shall provide a substitute surety bond acceptable to the Department within 15 days after its surety gives a termination notice or shall remove its facility from, and restore, the right-of-way within that period of time.

c) Utility Permit Continuing Bond
Surety shall be provided as a continuing bond to remain in full force and effect for all utility companies issued a general utility permit providing for long-term or permanent occupancy of State highway right-of-way.

d) Individual Utility Permit Bond
Surety shall be provided by a contractor who constructs or maintains utility facilities under permit for a municipality, or other public body which is not required to maintain a continuing bond. Individual utility permit bonds are to remain in full force and effect until the specific project is completed and the highway right-of-way is restored in accordance with Section 530.250. As a minimum, Individual Utility Permit Bonds remain in full force and effect for five years from date of permit approval by the Department.

e) Continuing Bond for Utility Contractors
A contractor, who has occasion to frequently request permits for utility work may provide, at its option, a continuing bond. This arrangement eliminates the need for the contractor to secure an individual utility permit bond for each project.

f) If the surety bond expires, the permit can be revoked.

AGENCY NOTE: Forms mentioned in this Part are available from District offices as shown in Section 530.Illustration A or the Department of Transportation, Bureau of Maintenance, 2300 South Dirksen Parkway, Springfield, Illinois, 62764.

Section 530.280 Surety Bond Coverage

a) The amount of Surety Bond required for utility work and occupancy will be based on:
1) the potential for damage to the highway;
2) the number of work crews that could potentially be active at a given time;
3) local conditions; and

4) the work record of the utility company or contractor.

b) Each bond shall be for an amount which will guarantee full compliance with the permit, including the following:
1) proper installation;
2) proper maintenance; and
3) relocation, modification, and removal upon demand of the Department.

Section 530.290 Maintenance

a) The Department shall be notified in writing and must give its permission before a permittee undertakes repairs of its facility in the right-of-way.

b) Utility facilities on State highway right-of-way are to be maintained, by or for the owner corporation, at the owner corporation's expense.

c) Emergency Maintenance Procedures
Emergencies that require immediate attention or repair of a utility installation may preclude following normal procedures for securing a working permit but the permittee must file in writing with the Department a description of the repairs undertaken in the right-of-way within 48 hours after the emergency repair.
1) Emergency maintenance in relation to utility installations on the interstate and conventional highway system will be considered as any immediate maintenance required to the utility installation for the safety of the traveling public or immediate maintenance required for the health and safety of the general public served by the utility.
2) If an emergency creates a hazard on the traveled portion of the roadway, immediate steps shall be taken by the utility company to provide all necessary protection for traffic on the highway including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, signs and lights shall be provided. Parking on the interstate shoulder in an emergency will only be permitted when no other means of access to the utility installation is available.

3) In an emergency, the utility company shall immediately. notify the appropriate District Engineer or authorized agent of the emergency, informing the District Engineer as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the State Police, as well as the District Engineer, shall be notified immediately.

4) In an emergency, the utility company shall complete repairs as rapidly as possible and with the least inconvenience to the traveling public.

Section 530.300 As-Built Plans

If the permitted facility is not placed as shown in the application, the permittee shall submit a set of as-built plans to the Department's District Office within 15 days of the completion of the permitted work. If as-built plans deviate from the permit, such deviation shall be identified and shall be treated as a request for variance in accordance with Section 530.130. If the Department does not give its written approval of the as-built plans within 90 days of their receipt or if the Department disapproves the as-built plans, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit.

Section 530.310 Obligation to Remove, Relocate, or Modify

a) The permittee shall remove, relocate, or otherwise modify its facility including the removal of bridge attachments, as specified by Section 9-113 of the Code when required to do so in accordance with Sections 530.810, 530.820 and 530.830, in a timely manner. Section 9-113 of the Code gives sole authority to the Department, and no other administrative agency or commission may review or overrule a permit-related decision or direction of the Department. The failure of a permittee to comply with the directions of the Department may cause the sanctions, set forth in Subpart H, to be imposed on it.

b) The Department may also give written notice that the permittee shall remove, relocate, or otherwise modify its facility.

1) If, within 60 days after receipt of such written notice, satisfactory arrangements are not made, the Department may undertake the requested actions itself and may bill the permittee for the total cost thereof.

2) Notice shall be considered to have been received if:

A) The notice is posted as a sign in a conspicuous place in the area of the permit,

B) Either the Department receives from the U.S. Postal Service a signed return receipt or a notice that the permittee has refused to accept a notice by mail, or

C) The Department obtains such other reliable evidence of receipt as it may find to be appropriate.

c) The Permittee, by use of its permit, agrees to the following:

1) To pay the Department's costs incurred under this Section,

2) If the full amount of the bill is not paid by the date specified on the billing statement, to pay all costs of collection, including attorneys' fees, litigation expenses, and fees (including contingency and percentage fees) paid to collection agencies, and

3) That any attorney at law is authorized, on behalf of permittee, to do the following:

A) appear before any court of competent jurisdiction in Illinois, upon complaint made by the Department, and enter permittee's appearance;

B) waive process and service;

C) confess judgment for the full amount billed under this Section, for all attorneys' fees and costs incurred by the State of Illinois associated with attempt(s) to collect the amount billed under this Section;

D) to the waiver and indemnification provisions stated in Section 530.225 of this Part.

E) waive all errors and all right of appeal from said judgment(s); and

F) provide such other consents or cooperation as may be helpful to complete the collection process so that the Department may be fully paid.

Section 530.320 Apportionment of Costs

There may be times when the Department, or its contractors, will incur delay or other costs because the permittee will not or cannot perform its duties under its permit and this Part. Unless the permittee shows that another allocation of the cost of undertaking the requested action is appropriate, the permittee shall bear the costs of damages and the costs of installing, maintaining, modifying, relocating, or removing the facility which is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Department. The sanctions set forth in Subpart H may be imposed on a permittee who does not pay the costs apportioned to it.

Section 530.330 Design of Facilities

Capacity for foreseeable future expansion needs shall be provided in initial installations.

SUBPART D: SPECIFIC PERMIT CONDITIONS

Section 530.400 Underground Facilities - Power and Communication Lines

a) General
   1) Longitudinal lines shall be located as near the right-of-way line as practicable and no more than eight feet from and parallel to the right-of-way line.
   2) Installation shall have a minimum cover of 30 inches except communication lines installed by the plowed method shall have a minimum cover of 24 inches.
   3) If an underground power cable is to operate at 300 volts to ground or greater, it must include a bare grounded conductor in continuous contact with the earth. This conductor shall be adequate for the magnitude and duration of the fault current imposed and shall be either shielded or be constructed of multiple concentric conductors closely spaced circumferentially.
b) Fully Access Controlled Highways
   1) Longitudinal Lines

A) New underground power and communications lines longitudinal to the centerline will not be permitted within the access-control lines of fully access-controlled highways under the following conditions:
   i) When the installation of the utility would require pavement cuts.
   ii) When non-emergency repairs of the utility would require the use of any part of the highway.
   iii) When the installation of the utility would endanger or impair other utility facilities already in place.
   iv) When the installation of the utility would be above-ground after installation.
   v) When the utility would interfere with or impair the present use or future expansion of the highway.
B) When new underground power and communications lines are to be permitted longitudinally to the centerline of fully access-controlled State highways, the following conditions will apply:
   i) No above-ground appurtenances will be allowed on State highway right-of-way.
   ii) No utility facilities will be allowed between the edge of pavement and the back of abutment of the intersecting roadway at grade separation structures.
   iii) Bridge attachments may be allowed as specified in Subpart G.

2) Underground Crossings
Underground power and communication lines will be permitted to cross fully access-controlled highways under the following conditions:
A) The crossing provides a transmission or distribution service to a general area or an expanding area. No individual service crossings will be permitted to cross a fully access-controlled highway except in cases involving isolated locations such as landlocked areas.
B) The design, materials and construction methods shall be those that can be expected

to provide maximum maintenance-free service life.

C) Encasement shall be provided between jacking or bore pits, if the crossing is installed by boring or jacking.

D) Encasement may be eliminated under the following conditions:

i) The crossing is installed by the use of "moles", "whip augers" or other approved methods which compress the earth to make the opening for cable installation.

ii) The installation is by the open trench method. This method is only permitted prior to roadway construction.

E) Above-ground mounted appurtenances to electric power or communication lines within the access control lines of fully access controlled highways will normally not be permitted except in cases of extreme need. Where installations are approved, they shall be located within one foot of the right-of-way line or as near as practicable.

c) Conventional Highways

1) Longitudinal Lines

Underground power and communication lines may be permitted longitudinal to the centerline of conventional State highways under the following conditions:

A) Cable may be installed by trenching or plowing with consideration given to boring to minimizing the damages when crossing improved entrances and side roads.

B) Above-ground appurtenances constructed as component parts of underground communication or electric power lines shall be located within one foot of the right-of-way line or as near as practicable.

2) Underground Crossings

Underground power and communication lines will be permitted to cross conventional highways under the following conditions:

A) The design materials and construction methods shall be those that can be expected to provide maximum maintenance-free service life.

B) Encasement shall be provided between jacking

or bore pits, if the crossing is installed by boring or jacking.

C) Encasement may be eliminated under the following conditions:

i) The crossing is installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for cable installation.

ii) The installation is by the open trench method. This method is only permitted prior to roadway construction.

Section 530.410 Underground Facilities - Gas Transmission Lines

a) General

1) Gas pipelines shall be constructed, maintained, and operated in a Department approved, as defined in Section 530.30, manner and in conformance with "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards" incorporated by reference at Section 530.20.

2) Crossing installations by open trench will be permitted only prior to roadway construction with vented encasement provided between ultimate ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway.

3) Gas pipeline crossings shall have a minimum cover of 30 inches at all locations on right-of-way, including below design ditch elevation even if the ditch is higher than design elevation.

b) Fully Access-controlled Highways

1) Longitudinal Gas Pipelines:

New longitudinal gas pipelines will not be permitted within the access control lines of fully access-controlled highways. Existing longitudinal gas pipelines may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the fully access-controlled highway.

2) Gas Pipeline Crossings:

Gas transmission and distribution lines may be

permitted to cross fully access-controlled highways under the following conditions:

A) The crossing provides a transmission or distribution service to a general area or an expanding area. No individual service lines will be permitted to cross a fully access-controlled highway except in cases of extreme hardship involving critical needs and isolated locations.

B) The design, materials and construction methods shall be those that can be expected to provide maximum maintenance-free service life.

C) Crossings under completed highway projects shall be installed by jacking, or boring, with vented encasement provided between the ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. When tunneling, the venting of the encasement shall extend to within one foot of the right-of-way line. Crossings may also be installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for pipe.

D) Encasement may be eliminated under the following conditions:

i) extra heavy pipe is used; and

ii) cathodic protection of the pipe is provided.

E) If encasement is eliminated, maintenance of damaged or decayed pipe may not disrupt the right-of-way. (See Section 530.30 "Disrupt the Right-of-way")

F) Locations shall be avoided where rock excavation or deep cuts would make crossings with proper cover impractical.

G) The locations of the crossing pipe shall be marked at the right-of-way line with markers

that identify the utility and provide emergency telephone numbers.

c) Conventional Highways

1) Longitudinal Gas Pipelines:

A) Gas pipelines for transmission, distribution, and service may be permitted longitudinal to the centerline of conventional State highways if the materials, construction methods, and other elements are in conformance with the provisions of this Part.

B) Longitudinal gas transmission lines shall be located as near the right-of-way line as practicable and not more than eight feet from and parallel to the right-of-way line.

2) Gas Pipeline Crossings:

Gas pipelines for transmission, distribution, and service may be permitted to cross conventional State highways under the following conditions:

A) Crossings of 60 psig or more shall be installed by jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. When tunneling, the venting of the encasement shall extend within one foot of the right-of-way line. Crossings may also be installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for the pipe.

B) Encasement will not be required for crossings under 60 psig.

C) Encasement may be eliminated under the following conditions:

i) Extra heavy pipe is used; and

ii) Cathodic protection of the pipe is provided.

D) If encasement is eliminated, maintenance of damaged or decayed pipe may not disrupt the right-of-way. (See Section 530.30 "Disrupt the Right-of-Way")

E) The locations of the crossing pipe for transmission and distribution lines shall be marked at the right-of-way line with markers that identify the utility and provide emergency telephone numbers. In urban areas, the markers for transmission and distribution lines may be eliminated as provided in current Federal regulations. (See 49 CFR 192.707 (1989))

F) In built-up or expanding areas, frequent service crossing should be discouraged in favor of establishing distribution on both sides of the highway.

Section 530.420 Underground Facilities - Petroleum Products Pipelines

a) General

1) Petroleum products pipelines are those carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry. Petroleum products pipelines are, with few exceptions, transmission lines delivering products to processing or distribution facilities. Petroleum products pipelines installed on State highway right-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping which is incorporated by reference in Section 530.20. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

2) Crossing installation by open trench will be permitted only prior to roadway construction with vented encasement provided between ultimate ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway.

3) Encasement may be eliminated under the following conditions:

A) extra heavy pipe is used; and

B) cathodic protection of the pipe is provided.

4) If encasement is eliminated, maintenance of damaged or decayed pipe may not disrupt the right-of-way. (See Section 530.30 "Disrupt the Right-of-Way")

5) The location of petroleum products pipeline crossings shall be marked at the right-of-way lines with markers that identify the utility and provide emergency telephone numbers in accordance with current Federal regulations. (See 49 CFR 192.707 (1989))

b) Fully Access-controlled Highways

1) Longitudinal Petroleum Products Pipelines

New longitudinal petroleum products pipelines will not be permitted within the access control lines of fully access-controlled State highways. Existing longitudinal installations shall be relocated if they cannot be serviced except from through travel lanes, shoulders, or ramps of the highway. Longitudinal petroleum products pipelines may be permitted outside the access control lines where frontage roads or other corridors provide access for servicing the facilities.

2) Petroleum Products Pipeline Crossings

Petroleum products pipelines may be permitted to cross fully access-controlled highways under the following conditions:

A) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service life.

B) Crossing of completed highway projects shall be installed by jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway. The crossing may be installed using tunneling with vented encasement, but only when the installation is not possible by other means. When tunneling, the venting of the encasement shall extend to within one foot of the right-of-way line.

C) Locations shall be avoided where rock excavation or deep cuts would make crossings with proper cover impractical.

c) Conventional Highways
1) Longitudinal Petroleum Products Pipelines
A) Longitudinal petroleum products pipelines may be permitted on conventional State highways if the materials, construction methods and other elements are in conformance with the provisions of this Part.
B) Longitudinal petroleum products pipelines shall be located as near the right-of-way line as practicable and not more than eight feet from and parallel to the right-of-way line.
2) Petroleum Products Pipeline Crossings
Petroleum products pipeline crossings may be permitted to cross conventional highways under the following conditions:
A) The materials, construction methods and other elements are in conformance with this Part.
B) Crossings shall be installed by jacking or boring under completed highway projects with vented encasement provided between ditch lines or toes of slopes of the highway as a minimum or as directed by the engineer. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of highway. The crossing may be installed using tunneling with vented encasement, but only when the installation is not possible by other means. When tunneling, the venting of the encasement shall be within one foot of the right-of-way line.

Section 530.430 Underground Facilities - Waterlines

a) General
1) Waterlines generally are those pipelines carrying potable water. Permit applications for waterlines shall indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied. Waterlines shall be installed to meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois" which is incorporated by reference in Section 530.20.

2) Water main cover shall be sufficient to provide freeze protection and shall be maintained at a minimum of three feet.
3) Encasement may be omitted if pipe is installed prior to highway construction and continuous or restrained joint carrier pipe is used. Bell and spigot type shall be encased regardless of installation method.
4) Longitudinal lines shall be located as near the right-of-way line as practicable and no more than eight feet from and parallel to the right-of-way line.
5) Ground-mounted appurtenances to waterlines shall be located within one foot of the right-of-way line or as near as practicable.

b) Fully Access-controlled Highways
1) Longitudinal Water Mains
New longitudinal water mains will not be permitted between the access-control lines of fully access-controlled highways. Existing longitudinal installations shall be relocated if they cannot be serviced except from through-travel lanes, shoulders, or ramps of the highway. Longitudinal water mains may be permitted outside the access-control lines of fully access-controlled highways if frontage roads or other corridors provide access for servicing the lines.
2) Water Main Crossings
Water main crossings of fully access-controlled highways may be permitted under the following conditions.
A) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service.
B) Crossing of completed highway projects shall be installed by jacking or boring with encasement provided between jacking or bore pits.
C) Crossing shall provide water service to a general or expanding area.
D) Individual service crossing under fully access-controlled highways will not be permitted except involving isolated locations such as landlocked areas.

c) Conventional Highways
1) Longitudinal Water Mains
Longitudinal water mains may be permitted on the right-of-way of conventional highways if they conform to the general provisions of this Section.
2) Water Main and Service Crossings
Water main and service crossings of conventional State highways may be permitted under the following conditions:
A) The crossings shall be installed by jacking or boring under completed highway projects.
B) Encasement shall be furnished between bore pits unless continuous pipe or Department approved jointed pipe is used under the roadway structure (see Section 530.30, "Department Approved").

Section 530.440 Underground Facilities - Sewer Lines and Drainage Lines

a) General
1) Sanitary sewers and storm sewers other than those installed only for highway drainage shall be regulated by this Part. Drainage piping owned and operated by an organized drainage district, sanitary district, municipality, or individual is regulated by this Part.
2) Permit applications for sewerline installations shall indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, have been satisfied. Sewerlines shall be installed to meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois," which is incorporated by reference in Section 530.20.
3) Sewer and drain lines shall have minimum cover of 30 inches with cover sufficient for freeze protection.
4) Longitudinal lines shall be located as near the right-of-way line as practicable and no more than eight feet from and parallel to the right-of-way line.
5) Storm sewers, sanitary sewers, or drainage lines may be permitted to cross highways under the following conditions:

A) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service life.
B) Casing may be omitted for crossings installed by open trench method prior to highway construction if the sewer system is unpressurized or if Department approved continuous pipe or Department approved jointed pipe is used (See Section 530.30 "Department Approved"). Such uncased installation shall preclude future repair or maintenance under the roadway structure.
C) Crossings of completed highway projects shall be installed by jacking or boring with encasement provided between bore or jacking pits.

b) Fully Access-controlled Highways
New longitudinal storm sewers, sanitary sewers, or drainage lines that are not a part of the highway facilities will not be permitted between the access-control lines of fully access-controlled highways. Existing longitudinal sewage or drainage systems may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the highway.
c) Conventional Highways
Longitudinal sewer and drain lines may be permitted on conventional State highways if they conform to the general provisions of this Section.

Section 530.450 Above-Ground Facilities - Power and Communication Lines

a) General
An application for a permit for a new power or communication installation system shall include evidence, if required, that a "Certificate of Public Convenience and Necessity" has been issued by the Illinois Commerce Commission. Electric power or communications installations on State highway right-of-way shall be constructed, operated, and maintained in conformity with the provisions of the National Electric Safety Code and Illinois Commerce Commission's rules entitled, "Construction of Electric

Power and Communication Lines" (83 Ill. Adm. Code 305) except for certain vertical clearance requirements as hereinafter noted.

1) Ground Mounted Appurtenances
Ground mounted appurtenances shall be provided with a vegetation-free area extending one foot beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material. With the approval of the District Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground mounted appurtenances shall be painted an inconspicuous color.

2) Guy Wires and Brace Posts
A) Guys and braces will not be allowed on the right-of-way.
B) When a variance is allowed, in accordance with Section 530.130, guy wires shall be equipped with guy guards for maximum visibility.

b) Fully Access-controlled Highways
1) Longitudinal Lines
A) Longitudinal pole lines will not be permitted within the access control lines of fully access-controlled highways except existing installations that can be serviced without access from the through traffic roadway or ramps.
B) Longitudinal pole lines may be permitted outside the access control lines of fully access-controlled highways where frontage roads or other corridors provide access for servicing the installation and overhanging of the access-control line is minimal.

2) Overhead Crossings
A) Overhead crossings of power and communication lines over fully access-controlled highways shall provide a minimum vertical clearance over the roadway of 20 feet with additional clearances as required by Illinois Commerce Commission's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305) for higher voltage lines. Where practicable, the crossing shall span the entire right-of-way with no poles, guys, or appurtenances within the access-control lines.
B) Supporting poles shall be in compliance with the latest AASHTO "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," incorporated by reference in Section 530.20, and the minimum offset allowable to the tower or pole shall be in accordance with the clear zone as provided in the latest AASHTO Roadside Design Guide, incorporated by reference in Section 530.20.
C) Overhead crossings of interchanges that would require poles, towers, guy wires or brace posts within the interchange will normally not be permitted except in cases of extreme need. The installation shall be in compliance with the latest AASHTO "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," incorporated by reference in Section 530.20, and the minimum offset allowable to the tower or pole shall be in accordance with the clear zone as provided in the latest AASHTO Roadside Design Guide, incorporated by reference in Section 530.20.
D) Overhead crossings shall be transmission or distribution lines serving a general area or to serve a developing area. No individual service crossings will be permitted to cross a fully access-controlled highway except involving isolated locations such as landlocked areas.

c) Conventional Highways
1) Longitudinal Lines
A) Overhead power and communication lines longitudinal to the centerline of conventional State highways shall be of single pole construction located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit.
i) In urban areas, where pavement is curbed, poles are to be as remote as

practicable from the curb with a minimum distance of 1.5 feet behind the face of the curb.

ii) In urban areas, where pavement is uncurbed, poles shall be as remote from the pavement as practicable with a minimum distance of four feet outside the outer shoulder line of the roadway and not within the clear zone.

B) Joint use of poles will be required where practical.

C) No utility poles will be permitted in the ditch line of any State highway.

D) Ground-mounted appurtenances to electric power or communication lines shall be located within one foot of the right-of-way line or as near as practicable.

2) Overhead Crossings

A) Overhead power and communication lines crossing conventional highways shall have a minimum vertical line clearance over the roadway of 18 feet with additional clearances as required by Illinois Commerce Commission's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305) for higher voltage lines.

B) Poles shall be located within one foot of the right-of-way of the highway and outside of the clear zone.

C) Overhead crossings at major interchanges will be discouraged.

D) In expanding areas, frequent service crossings will be discouraged in favor of requiring distribution systems on both sides of the highway.

Section 530.460 Above-Ground Facilities - Light Poles and Lighting Power Lines

a) General

1) This Section applies to poles used solely for lighting. Poles used for both lighting and transmission/distribution shall meet the requirements of Section 530.450.

2) Ground mounted appurtenances shall be provided

with a vegetation-free area extending one foot beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material. With the approval of the District Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground mounted appurtenances shall be painted an inconspicuous color.

3) Guy Wires and Brace Posts

A) Guys and braces will not be allowed in the clear zone on the right-of-way.

B) When guy wires are allowed, guy wires shall be equipped with guy guards for maximum visibility.

4) Joint Use of Poles

A) Poles supporting both lights and lighting power lines shall meet the criteria for light poles except joint use of poles will not be permitted in the clear zone.

B) Joint use of poles will be required where practical.

b) Light Poles

1) Light poles shall be of single pole construction located as near as practicable to the right-of-way line and, where possible, in protected areas.

A) In urban areas, where pavement is curbed, light poles are to be as remote as practicable from the curb with a minimum distance of 1.5 feet behind the face of the curb.

B) In urban areas, where pavement is uncurbed, light poles shall be as remote from the pavement as practicable with a minimum distance of four feet outside the outer shoulder line of the roadway.

2) No light poles will be permitted in the ditch line of any State highway.

3) A light pole located in the clear zone will be breakaway unless:

A) It cannot be struck by errant vehicles because it is behind or on a barrier, or is protected by crash cushions which are necessary for other roadway design reasons; or

B) The amount of pedestrian traffic on nearby pedestrian facilities is such that a breakaway support would present a greater potential hazard to the pedestrian traffic than a non-breakaway support would present to the vehicular traffic. Examples of such locations include sports stadiums and associated parking areas, tourist attractions, school zones, central business districts, and local residential neighborhoods where the speed limit is 30 miles per hour or less.

4) Light poles located outside the clear zone of roadways, where no pedestrian facilities exist, should be breakaway where there is a possibility of being struck by errant vehicles.

c) Lighting Power Lines
Power lines serving only to provide power to lights must meet the same criteria as power and communication lines. (See Section 530.450)

Section 530.470 Above-Ground Facilities - Other Utilities

Only light poles, power lines and communication lines facilities and appurtenances to underground facilities will be allowed above-ground on State highways.

Section 530.480 At-Grade Facilities - Railroad Tracks

The Department shall grant a permit to a railroad for the placement of its tracks on a State highway right-of-way when the following exist:

a) There is a compelling need for the requested tracks to be on the State highway right-of-way.

b) There is no other entity which might be the permittee. (See Section 530.530(c))

SUBPART E: CONSTRUCTION METHODS AND MAINTENANCE WORK ON UTILITIES

Section 530.500 Construction Methods for Utility Installations

a) Utility facilities shall be installed in a Department approved manner, as defined in Section 530.30. Compliance with this Section does not necessarily

constitute compliance with relevant rules of other State agencies such as the ILCC rules entitled "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305) and applicable Environmental Protection Agency regulations.

b) Boring or Jacking

1) Boring or jacking under State highways shall be accomplished from pits located a minimum of 30 feet from the edge of pavement on fully access-controlled highways and at a distance of ten feet plus the depth of the pit without shoring on conventional highways. If shoring is used, the pits shall be located a minimum of ten feet from the edge of pavement on conventional highways. The shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

2) Wet boring or jetting will not be permitted under the roadway structure of State highways.

3) Borings over six inches in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch. Borings six inches and under may be accomplished by either jacking, guided whip auger, or auger with following pipe method. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades.

c) Trenching

1) The length of open trench shall be kept to the practicable minimum consistent with requirements for pipeline testing.

2) Open trench and windrowed excavated material shall be protected as required by Section 530.240. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection.

3) Excavated material will not be allowed to remain on the paved portion of the roadway. Where

right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

4) Any utility located within the drip line of any tree designated by the Department to be spared, shall be bored under the root system.

d) Backfilling

1) All trenches and excavations under pavements shall be backfilled with a Department approved granular material and compacted in a Department approved manner as defined in Section 530.30.

2) All other excavations shall be refilled with Department approved materials and construction methods, including compaction as defined in Section 530.30. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

e) Pavement Cuts

Pavement cuts for utility installation or repair will not be permitted on any State highway open for traffic. If a variance is permitted in accordance with Section 530.130, the following requirements shall apply:

1) All saw cuts will be full depth.

2) Restoration of pavement shall be completed as quickly as feasible and shall be done in accordance with Section 530.250.

3) Unless otherwise directed, temporary repair with bituminous mixture shall be allowed.

4) Any failure of either the temporary repair or the restored pavement shall be immediately corrected.

f) Material Storage on Right-of-Way

All pipe, conduit, wire, poles, cross arms or other materials distributed along the highway prior to installation shall be placed as remotely as practicable from the edge of pavement in a manner to minimize its being a hazard to errant vehicles or an obstacle to highway maintenance and not in the clear zone. If material is to be stored on highway right-of-way for more than two weeks prior to installation, approval must be obtained from the Department as defined in Section 530.30.

g) Operational Restrictions

1) Utility construction or maintenance operations on State highway right-of-way may be required to be

discontinued during periods of inclement weather when such operations would create extraordinary hazards to highway traffic (e.g. the use of steel plates may be restricted in winter).

2) Such operations may also be required to be discontinued or restricted when soil conditions are such that the utility work would result in extensive damage to the highway right-of-way.

3) These restrictions will be waived when emergency work is required to restore vital utility services.

Section 530.510 Encasement

a) Encasement of underground utility crossings where required is intended to serve one or more of the following purposes:

1) To allow replacement of utility without future disruption of roadway structure.

2) To allow installation of additional facilities without future disruption of roadway structure.

3) To vent or drain leaks of volatile gases or liquids that might occur under the roadway structure.

4) To serve as bridge or carrier through unstable soil structure.

5) To prevent cavitation under pavement structure from leaks of pressurized liquids.

6) To allow ease of insertion and coating protection of utility conductor or carrier.

7) To provide protection of utility conductor or carrier from superimposed loads or "dig-in" damage.

b) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Department as defined in Section 530.30.

c) Underground utility crossings without encasement will generally preclude future maintenance or repair in the area between ditch lines or toes of slopes.

Section 530.520 Post Installation Location

All non-metallic underground utilities will have a Department approved metallic locator installed above the facility.

Section 530.530 Railroad Facilities

a) Unless the Department has expressly assumed maintenance responsibility for railroad facilities within its right-of-way, the permittee railroad shall do the following:
   1) Inspect its facilities at least once a year, unless otherwise specified by its permit.
   2) Maintain its facilities to meet the following standards:
      A) The rails on at-grade crossings shall be flush with the highway surface. Crossing materials shall not be loose or unstable. The highway surface shall not be rough (i.e., deviations in surface plane shall not exceed 3/4" in any one yard square area).
      B) Warning and protection devices shall be fully functional.
      C) Each railroad overpass must be able to support the loads for which it is designed and used. Furthermore, portions of an overpass structure or other materials shall not be allowed to fall onto the highway below.
      D) Railroad underpasses must be able to support the highway and its users above.
   3) Submit condition/inspection reports.
      A) Said reports shall have a format which meets the information requirements of the Department and the National Bridge Inspection Standards, incorporated by reference in Section 530.20.
      B) The reports shall be submitted to the appropriate Department's District Office issuing the permit within 25 days after the inspection of the facility.
      C) If an imminently dangerous condition is found at a railroad facility, that condition shall be immediately reported to the Department.
   4) Take all necessary steps to keep the highway open and safe for motorists, even if said actions inconvenience or halt rail traffic.

b) The Department may make confirmation/verification inspections of railroad facilities to ascertain whether they are being properly maintained and whether condition reports of those facilities are accurate.

Deficiencies shall be corrected within 30 days unless otherwise specified.

c) Permits for spur tracks (See Section 530.30 "Spur Track") shall be issued to the customer(s) rather than to the rail carrier. All such permits shall contain a certification by the permittee that it has authority to carry out the terms of the permit, including removal or relocation of tracks upon demand. (See Section 530.480(b))

SUBPART F: VEGETATION CONTROL

Section 530.600 Tree Trimming

a) The Department's policies for the preservation and conservation of roadside trees, shrubs, and turf are based on the inherent value of these environmental features to the public well-being and enjoyment.

b) Tree trimming for line clearance shall not be considered a normal maintenance operation and each tree trimming project shall require the application for and the issuance of a separate working permit.

c) Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workmen with supervision who are experienced in accepted tree pruning practices.

d) Poor pruning practices resulting in damaged or misshapened trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages.

e) The Department will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture, incorporated by reference in Section 530.20, will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees.

f) The Department may require the removal of trees if trimming or radical pruning would leave them in an unacceptable condition.

g) The Department may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

h) Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

Section 530.610 Chemical Vegetation Control

a) Spraying of live foliage with any type of brush-killing chemicals in lieu of cutting will not be permitted on State highway right-of-way.
b) Each permit application for chemical use for growth retardant or prevention of reestablishment of brush will be considered individually. Approval or disapproval will be based on the location and the proposed methods and materials.
c) Permit applications for chemical control of vegetation shall require certification that the work will be accomplished by personnel licensed by the Department of Agriculture as Herbicide Applicators.

SUBPART G: UTILITY ATTACHMENTS TO BRIDGES OR TRAFFIC STRUCTURES

Section 530.700 General

a) It shall be the general policy of the Department to grant approval for accommodation of utilities on bridges only when engineering and economic study substantiates that all other means of accommodating the utility are not practical. Other means shall include, but not be limited to, underground, under stream, independent poles, cable supports and tower supports, all of which are completely separated from the bridge. The utility company shall include the supporting data in their request that indicates the impracticality of alternate routing.
b) This Section covers the requirements, limitations, procedures, and assessment of charges for the permitted attachment of utility facilities to bridges or traffic structures on or over State highways that are under the jurisdiction of the Department of Transportation.
c) The provisions of this Section are applicable to both existing and proposed bridges for the attachment of a new utility, the expanding of an existing utility attachment, or the voiding of an attachment permit.
d) Utility facilities attached to highway structures constitute varying degrees of hazards to the highway user and to the structure itself. Utility facilities

transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present the higher degrees of risk and such installations will normally not be permitted. Approval or disapproval of an application for utility attachment to a highway structure will be based on the following considerations:
1) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to the highway user.
2) The type, length, value, and relative importance of the highway structure in the transportation system.
3) The alternative routings available to the utility and their comparative practicality.
4) The proposed method of attachment.
5) The degree of interference with bridge maintenance and painting.
6) The effect on the visual quality of the structure.
7) The public benefit expected from the utility service as compared to the risk involved.

e) When the Department requires the removal or adjustment of any existing utility attachment due to the renovation or removal of an existing bridge, the existing permit will be automatically voided, and if a new permit is applied for and approved, the utility owner will be assessed in accordance with this Part.
f) The issuance of a Bridge Attachment Permit will acknowledge receipt of the assessment charge and will give the necessary permission to attach, operate, and maintain the facility. In the case of a new structure, the permit will serve as an agreement during the period of construction and as a permit to attach, operate, and maintain the facility upon completion of the construction.
g) The utility owner shall provide approved cut-off facilities at each end of the highway structure in order that service through the facilities attached to the structure can be cut off in case of accident or other occurrence requiring such interruption.

Section 530.710 Methods of Attachment

a) Prohibited Attachment
No utility attachment to a bridge or traffic structure

will be considered that proposes any of the following practices:

1) Burying conduits or cables in bridge slabs or sidewalks.
2) Drilling holes outside the middle third of the web of load carrying steel structural elements.
3) Welding on structural steel elements of the structure.
4) Drilling into prestressed or post-tensioned, concrete supporting beams.
5) Casting inserts into the bottom of prestressed concrete members.
6) Attaching in a manner that will reduce critical clearances.
7) Attaching outside the fascia of the bridge or structure.
8) Gas pipelines over four inches in diameter or having internal pressure in excess of 75 psig.
9) More than one gas pipeline for each structure.
10) Pipelines carrying liquids or gases of an extraordinarily hazardous nature shall not be attached to highway structures.

b) Acceptable Attachment Practices

When and where the attachment of a utility to a highway bridge or structure is given favorable consideration, the following general practices should be followed:

1) The attachment shall be located below the floor of the structure between beams or girders and above the lowest structural member on existing structures. Conduits may be designed into a new structure for approved attachments.
2) Supports and hangers shall be designed to clamp or bolt to steel structural elements.
3) Supports and hangers shall be designed to clamp or bolt to prestressed or post-tensioned concrete structural elements without drilling.
4) Utility facilities may be hung from inserts drilled on existing bridges or cast on new construction into non-critical concrete areas such as the floor slab. Inserts on new construction will be furnished and installed by the Department and shown in detail on construction plans.
5) The petitioner shall submit plans and specifications showing the size, weight per foot, and proposed method of attachment of the utility elements and stating the type of commodity to be transmitted, the proposed pressure or voltage, and giving the proposed location of cutoffs adjacent to the structure.
6) A permit for bridge attachment will provide conduit or pipe capacity for any anticipated expansion. In the interest of simplification, the assessment charge shall be calculated assuming that all conduits of the proposed system are filled.
7) All work of attachment and maintenance of the utility facilities shall be accomplished by the utility. In the case of a new bridge or traffic structure, the contract special provisions will require the State's contractor to cooperate with the utility company with the understanding that the utility company will furnish and install the necessary conduits or pipes and appurtenances.

SUBPART H: APPLICATION DENIAL, REVOCATION AND SANCTIONS

Section 530.800 Denial of Applications

a) A permit shall be granted unless the Department makes any of the following findings:
   1) that an applicant is not responsible in that it is unlikely to comply with Department directives (which have not been nullified by a court of competent jurisdiction) or conditions of other utility/highway permits;
   2) that there is no justification for the placement of the requested facility on the highway right-of-way;
   3) the placement of the requested facility on the highway right-of-way will unduly threaten the safety and convenience of highway users;
   4) that the proposed facility, its installation, or its maintenance will interfere with the ability of the Department to construct, maintain, operate or improve the highway, including appurtenant facilities;
   5) the proposed installation is not in compliance with this Part; or
   6) that the applicant does not have liability insurance sufficient to satisfy Section 530.50 Indemnification and Insurance.

b) If an application for a permit is denied, the Department will submit a letter to the utility company explaining the reason for denial. The application may be resubmitted for consideration if the application can be modified to meet the Department's objections as specified in the letter of denial.

Section 530.810 Sanctions and Other Remedies

a) Failure of the permittee to do any of the following constitutes grounds to revoke a permit issued under this Part:
   1) comply fully with the terms of the permit, including the provisions set forth in this Part;
   2) remove, relocate, or otherwise modify its facility, in a timely manner, when required to do so by the Department; and
   3) pay, within 30 days, the costs apportioned to it pursuant to Section 530.320 and provisions of this Part.
b) Noncompliance of a continuing, pervasive, or serious nature may result in the revocation or modification of all of the permittee's permits throughout the State.
c) Upon revocation of its permit, or if notified that no valid permit exists and that a permit is required, the responsible party shall remove its facility in a timely manner (See Section 530.30 "Timely") at no expense to the Department.
d) If the Department finds mitigating circumstances (such as unavailability of funds or that the failure to comply had not caused major problems), the Department may impose sanctions and conditions on a permittee which may include, but not be limited to, the following:
   1) The permit may be revoked in part.
   2) A surety bond may be required, even for facilities already in place.
   3) Existing and future facilities may be required to be buried and encasement may also be required.
e) Failure of a permittee (or former permittee) to comply with the Department's notice of revocation or amendment constitutes a violation of this Part and Section 9-113 of the Code.

Section 530.820 Incompatibility With Highway Use

If the continued use and occupancy of the right-of-way is incompatible with highway needs, the Department may require the permittee to modify or remove its facility and may amend or revoke the permit.

Section 530.830 Non-Use

a) The permittee shall notify the Department within 15 days of the termination of its use of a facility. If requested to do so by the Department, the permittee shall remove its facilities and restore the right-of-way in accordance with Section 530.250. The Department may require the permittee to convey ownership, control, and responsibility of the abandoned facility to the State of Illinois in exchange for being allowed to leave the facility in or on the right-of-way.
b) If the permittee terminates its use of facilities attached to a bridge or traffic structure, the Department may require all utility appurtenances be removed at the permittee's expense. The removal shall include all clamps or other appurtenances. The bridge or traffic structure where appurtenances were located shall be painted and restored to its original condition as part of the removal.

Section 530.840 Change of Ownership or Owner's Identity or Legal Status

a) The permittee shall notify the Department's District Office that issued the permit within ten days prior to the transfer of a permitted facility to another party.
b) The new owner shall request that the permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the State's right-of-way.
c) If a permittee is sold (e.g., a corporation is sold), no change in the permit is required. The new owner of the permittee shall have all the obligations and privileges enjoyed by the former owner.

d) If the legal status of the permittee changes (e.g., corporate merger or the incorporation of a partnership), the permittee is still bound by the permit, but must notify the Department of the change in the legal status.

SUBPART I: ADMINISTRATIVE REMEDIES

Section 530.900 Administrative Review

a) If the applicant and the District cannot agree either on whether the permit should be issued or on what conditions would be appropriate, the applicant may, within 15 days of the issuance of written notice of the District's position, appeal the District's determination to the Chief of the Department's Central Bureau of Maintenance.

b) This appeal shall be in writing, shall clearly State the areas of disagreement and the basis for the applicant's position, and shall be directed to:

Illinois Department of Transportation
Division of Highways
Chief of the Bureau of Maintenance
2300 South Dirksen Parkway
Springfield, Illinois 62764

c) If requested in the appeal, the Chief of the Department's Bureau of Maintenance or designee shall provide an opportunity to be heard within ten days of the request. In availing itself of this opportunity, the applicant may present evidence and arguments which may tend to rebut the District's determination which is being appealed.

d) The Chief should either reaffirm or revise, in writing, the initial determination within 15 calendar days of having heard the applicant's appeal. If no reaffirmation or modification of the Department's determination is made within 15 calendar days, that determination shall remain in effect as if expressly affirmed.

Section 530.Illustration A -- District Boundary Map

ILLINOIS DEPARTMENT OF TRANSPORTATION
DISTRICT BOUNDARIES WITH OFFICE LOCATIONS

DISTRICT ENGINEERS

DISTRICT 1

201 WEST CENTER COURT
(INSIDE DELIVERY)
SCHAUMBURG, ILLINOIS 60196-1096
PHONE: 708/705-4000

DISTRICT 2

819 DEPOT AVENUE
DIXON, ILLINOIS 61021-3546
PHONE: 815/284-2271

DISTRICT 3

700 EAST NORRIS DRIVE
P.O. BOX 697
OTTAWA, ILLINOIS 61350-0697
PHONE: 815/434-6131

DISTRICT 4

6035 NORTH KNOXVILLE AVENUE
PEORIA, ILLINOIS 61614-3595
PHONE: 309/691-2110

DISTRICT 5

STATE HIGHWAY BUILDING
ROUTE 133 WEST - P.O. BOX 610
PARIS, ILLINOIS 61944-0610
PHONE: 217/465-4181

DISTRICT 6

126 EAST ASH STREET
SPRINGFIELD, ILLINOIS 62704-4766
PHONE: 217/782-7301

DISTRICT 7

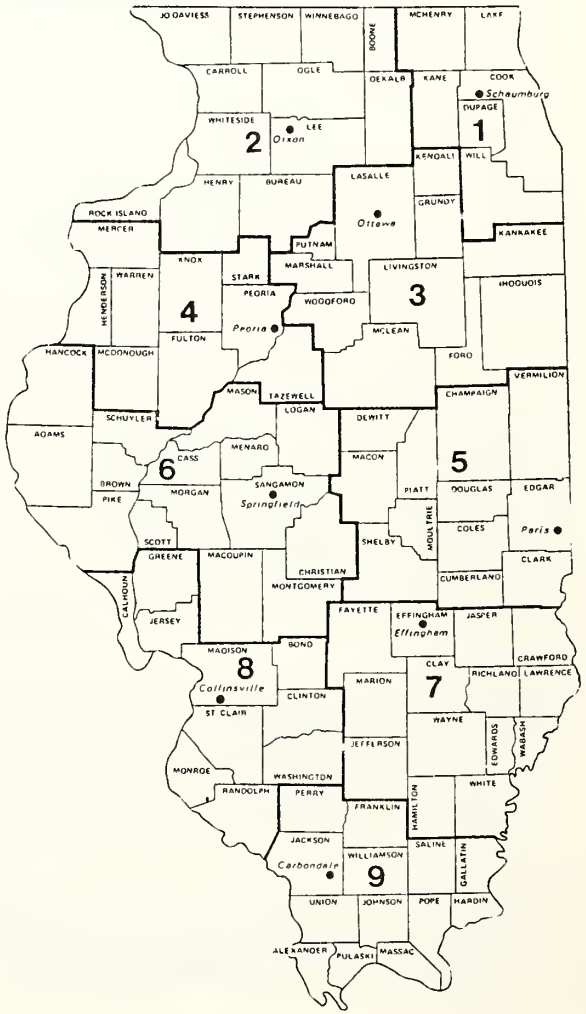
STATE HIGHWAY BUILDING
400 WEST WABASH
EFFINGHAM, ILLINOIS 62401-2699
PHONE: 217/342-3951

DISTRICT 8

1100 EASTPORT PLAZA DRIVE
P.O. BOX 988
COLLINSVILLE, ILLINOIS 62234-6198
PHONE: 618/346-3100

DISTRICT 9

STATE HIGHWAY BUILDING
P.O. BOX 100
CARBONDALE, ILLINOIS 62903-0100
PHONE: 618/549-2171



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

1) Heading of Part: Accommodation of Utilities on Right-of-Way

2) Code Citation: 92 Ill. Adm. Code 530

3) Section Numbers: Proposed Action:

530.10	530.20	530.30	530.101	Repeal
530.102	530.103	530.104	530.105	Repeal
530.106	530.107	530.108	530.109	Repeal
530.110	530.111	530.112	530.113	Repeal
530.114	530.115	530.116	530.117	Repeal
530.118	530.119	530.120	530.121	Repeal
530.122	530.123	530.201	530.202	Repeal
530.203	530.301	530.302	530.303	Repeal
530.401	530.402	530.403	530.501	Repeal
530.502	530.503	530.601	530.602	Repeal
530.603	530.701	530.702	530.801	Repeal
530.802	530.803	530.804	530.901	Repeal
530.902	530.903	530.904	530.905	Repeal
530.906	530.907	530.908	530.909	Repeal

4) Statutory Authority: Ill. Rev. Stat. 1981, ch. 121, pars. 9-113 and 4-201.1

5) A complete description of the subjects and issues involved: By this rulemaking, the Department proposes to repeal Part 530, and elsewhere in this issue of the Illinois Register, is proposing to replace this Part with new rules on the accommodation of utilities on State right-of-way. For a complete description of the differences between the repealed rules and the new rules, please see the Notice of Proposed Rules for Part 530.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? Yes

These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

10) Statement of Statewide Policy Objectives: This Part does not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James Shay
Engineer of Maintenance
Department of Transportation
Division of Highways
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-7231

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:
This Part does not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 530
ACCOMMODATION OF UTILITIES ON RIGHT-OF-WAY

SUBPART A: INTRODUCTION

Section
530.10 Foreward
530.20 References
530.30 Definitions

SUBPART B: GENERAL POLICY PROVISIONS

Section
530.101 Authority
530.102 Permits
530.103 Signatory Authority
530.104 Fees or Assessments
530.105 Traffic Protection
530.106 Exceptions to Policy
530.107 Objectives
530.108 Applicability
530.109 Location of Utilities
530.110 Scenic Strips, Rest Areas, Public Parks, Etc.
530.111 Encasement
530.112 Construction Methods
530.113 Materials
530.114 Liabilities
530.115 Surety Bonds
530.116 Cleanup and Repair
530.117 Maintenance
530.118 Review by Federal Highway Administration
530.119 Review by Central Bureau of Maintenance
530.120 Responsibility of Utility Company
530.121 Miscellaneous Facilities
530.122 Abandonment
530.123 Rights of Abutting Property Owners

SUBPART C: ELECTRIC POWER AND COMMUNICATION LINES

Section
530.201 General

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Section
530.202 Overhead Power and Communications Lines
530.203 Underground Power and Communication Lines

SUBPART D: GAS TRANSMISSION, DISTRIBUTION & SERVICE

Section
530.301 General
530.302 Fully Access-Controlled Highways
530.303 Conventional Highways

SUBPART E: PETROLEUM PRODUCTS PIPELINES

Section
530.401 General
530.402 Fully Access-Controlled Highways
530.403 Conventional Highways

SUBPART F: WATERLINES

Section
530.501 General
530.502 Fully Access-Controlled Highways
530.503 Conventional Highways

SUBPART G: SEWER LINES AND DRAINAGE LINES

Section
530.601 General
530.602 Fully Access-Controlled Highways
530.603 Conventional Highways

SUBPART H: TREE TRIMMING FOR LINE CLEARANCE

Section
530.701 General
530.702 Chemical Brush Control

SUBPART I: UTILITY ATTACHMENTS TO BRIDGES OR TRAFFIC STRUCTURES

Section
530.801 Utility Attachments to Bridges or Traffic Structures
530.802 Methods of Attachment
530.803 Permit Issuance
530.804 Abandonment

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

SUBPART J: PROCESSING UTILITY PERMITS

Section
530.901 General
530.902 MAI-60 General Utility Permit
530.903 MAI 206-A, Highway Permit Continuous Bond
530.904 BT 1045 Highway Permit
530.905 BT 1046 Individual Highway Permit Bond
530.906 MAI 613 - Authority to Attach
530.907 Utility Permits to Municipalities, Sanitary Districts or Public Entities
530.908 Cancellation of Permits and Bonds
530.909 Resubmittal of Denied Permits

AUTHORITY: Implementing Section 9-113 and authorized by Section 4-201.1 of the Illinois Highway Code (Ill. Rev. Stat. 1981, ch. 121, pars. 9-113 and 4-201.1).

SOURCE: Adopted at 3 Ill. Reg. 19, p. 45, effective May 7, 1979; codified at 7 Ill. Reg. ____3202____.

NOTE: Capitalization denotes statutory language.

SUBPART A: INTRODUCTION

Section 530.10 Foreword

a) This policy is adopted by the Illinois Department of Transportation under the authority and limitations of the (Ill. Rev. Stat. 1981), ch. 121, par. 9-113). The policy recognizes the obligations imposed upon the State by Federal regulations Federal Highway Administration (FHWA) Policy and Procedure Manual 30-4.1) as applied to the several federally-aided highway systems and recognizes the nationally accepted guidelines of the American Association of State Highway and Transportation Officials covering the subject matter of this policy.

b) The competition for available space mandates that highway rights of way provide the optimum public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the highway systems.

c) Public benefit is derived from the use of highway rights of way by utility installations when such installations are properly regulated and when such installations do not impair the free and safe flow of traffic, do not seriously interfere with the maintenance and future expansion of the highway, and do not seriously impair the visual quality of the highway.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

d) This policy applies to all future utility occupancies and adjustments to existing facilities on completed State highways except that the location requirements under Section 530.109 (c) (4) will also apply to existing installations. The Department's policies regarding the removal or relocation of utilities, necessitated by construction or reconstruction projects are covered by directives developed by the Bureau of Design of the Division of Highways.

e) To the above ends, this policy has been developed to allow the maximum use and protection to both the highway user and to the utility installations that occupy the State highway rights of way in accord with the policy's provisions.

Section 530.20 References

a) The references listed below are the basis and guidelines for the development of the Department's policies for the Accommodation of Utilities on Rights-of-Way of the Illinois State Highway System. Where specific reference is made these publications are to be considered as incorporated by reference in the Department's Policy on the Accommodation of Utilities on Rights-of-Way of the Illinois State Highway System.

1) American Association of State Highway and Transportation Officials (AASHTO) Policy - A Guide for Accommodating Utilities on Highway Rights-of-Way.

2) AASHTO - A Policy on the Accommodation of Utilities on Freeway Rights-of-Way.

3) Federal Highway Administration Policy and Procedure Memorandum 30-4.1 (Volume 6, Chapter 6, Federal Aid Highway Program Manual).

4) National Electrical Safety Code, American National Standards Institute (ANSI)C2.

5) Gas Transmission and Distribution Piping Systems - ANSI B31.8.

6) Liquid Petroleum Transportation Piping

Systems - ANSI B31.4.

7) Standard Specifications for Water and Sewer Main Construction in Illinois.

8) Illinois Commerce Commission General Order 160 Revised Rules for Construction of Electric Power and Communication Lines.

9) Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

10) Illinois (DOT) - Manual on Uniform Traffic Control Devices for Streets and Highways, to be codified as 92 Ill. Adm. Code 546.

11) Illinois DOT - Standard Specifications for Road and Bridge Construction.

12) AASHTO - Guide for Selecting, Locating and Designing Traffic Barriers.

b) NOTE: The references listed above are available through the following sources:

1) Items 1, 2 and 12
AASHTO
444 North Capitol, N.W.
Suite 225
Washington, D.C. 20001

2) Item 3
United States Department of Transportation
Federal Highway Administration
Washington, D.C. 20590

3) Items 4, 5 and 6
American National Standards Institute, Inc.
1430 Broadway
New York, New York 10018

4) Item 7
Associated General Contractors of Illinois
3219 Executive Park Drive
Springfield, Illinois 62708

5) Items 8 and 9
Illinois Commerce Commission
527 East Capitol
Springfield, Illinois 62706

6) Items 10 and 11
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Section 530.30 Definitions

As used in this policy, the words and terms listed shall have the meanings herein ascribed to them.

"ANSI" - American National Standards Institute.

"Backfill" - The methods and/or materials for replacing excavated material in a trench or pit.

"Bore-Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.

"Casing" - A structural protective enclosure for a carrier pipe or electrical conductor.

"Clear Zone" - That obstruction free roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles.

"Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor" - Wire carrying electrical current.

"Conduit" - A casing or encasement usually for an electrical conductor.

"Conventional Highway" - State highway with minimun access control.

"Control of Access" - Regulation of ingress and egress on highway, including rights-of-way.

"Cover" - The depth of earth or backfill over buried utility pipe or conductor.

"Department" - The Illinois Department of Transportation.

"Encasement" - The providing of protective casing.

"Expanding Areas" - Areas where plans for commercial or residential development are being contemplated.

"Extra Heavy Pipe" - Pipe meeting ASTM standards for this pipe designation.

"Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Fully Access-Controlled Highways" - State highways on which the rights of ingress and egress from abutting properties has been legally eliminated and which have grade separated intersections, only, with selected roads and streets. Federal Aid Interstate and Defense

Highways, Chicago Area Expressways, Supplemental Freeways and those primary highways constructed to freeway standards are included in the category of Fully Access-Controlled Highways.
"Highway" - Rural or urban road or street under the jurisdiction of the Department of Transportation.
"I.C.C." - Illinois Commerce Commission.
"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.
"Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
"Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.
"Median" - An area separating the travel lanes of a highway carrying traffic in opposite directions.
"Occupancy" - The presence of utility facilities on, over or under highway rights-of-way.
"Overlook" - A roadside turnout for motorists to safely enjoy a scenic panorama.
"Owner Corporation" - The company or corporate entity that owns and/or operates a utility.
"Pavement Cut" - The removal of an area of highway pavement for access to an underground utility installation.
"Permit" - Formal authorization by the Department to construct and maintain utility facilities on State highway right-of-way.
"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).
"Rest Area" - A roadside area or park for motorists to rest and relax in the interest of highway safety.
"Restoration" - The repair of an area or highway facility disrupted by the construction, maintenance or repair of a utility.
"Right-of-Way" - A strip of land acquired by dedication or fee devoted to highway transportation purposes.
"Roadway Structure" - That part of the highway of indeterminate depth that includes the pavement and shoulders.
"Scenic Strip" - A segment of roadside environment having significant aesthetic or historical features that is being preserved for public enjoyment.

"Shoulder" - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops.
"Travel Lane" - A portion of the paved area of the roadway having a definite width sufficient for the movement of a legal width vehicle.
"Trench" - A relatively narrow open excavation for the installation of an underground utility element.
"Utility" - One of several types of relatively essential services or commodities including, but not limited to, water, gas, oil, electricity, telephone and sewers. Also, the corporate or private entity supplying such services or commodities.
"Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
"Wet Boring" - Boring using water under pressure at cutting auger to soften the earth and to sluice-out the excavated material.

SUBPART B: GENERAL POLICY PROVISIONS

Section 530.101 Authority

The Department of Transportation exercises control of the utility occupancy of Illinois State highway rights-of-way by mandate of the (Ill. Rev. Stat. 1981) ch. 121, par. 9-113.

a) NO DITCHES, DRAINS, TRACK, RAILS, POLES, WIRES, PIPE LINE OR OTHER EQUIPMENT OF ANY PUBLIC UTILITY COMPANY, MUNICIPAL CORPORATION OR OTHER PUBLIC OR PRIVATE CORPORATION, ASSOCIATION OR PERSON SHALL BE LOCATED, PLACED OR CONSTRUCTED UPON, UNDER OR ALONG ANY HIGHWAY, OR UPON ANY TOWNSHIP OR DISTRICT ROAD, OTHER THAN A HIGHWAY OR ROAD WITHIN A MUNICIPALITY WITHOUT FIRST OBTAINING THE WRITTEN CONSENT OF THE APPROPRIATE HIGHWAY AUTHORITY AS HEREINAFTER PROVIDED FOR IN THIS SECTION.

b) UPON RECEIPT OF A PETITION THEREFORE, CONSENT TO SO USE A HIGHWAY MAY BE GRANTED SUBJECT TO SUCH TERMS AND CONDITIONS NOT INCONSISTENT WITH THIS CODE AS THE HIGHWAY AUTHORITY DEEMS FOR THE BEST INTEREST OF THE PUBLIC. THE PETITIONER SHALL PAY TO THE OWNERS OF PROPERTY ABUTTING UPON THE AFFECTED HIGHWAYS ESTABLISHED AS THOUGH BY COMMON LAW PLAT ALL DAMAGES

THE OWNERS MAY SUSTAIN BY REASON OF SUCH USE OF THE HIGHWAY, SUCH DAMAGES TO BE ASCERTAINED AND PAID IN THE MANNER PROVIDED BY LAW FOR THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN.

c) SUCH CONSENT SHALL BE GRANTED BY THE DEPARTMENT IN THE CASE OF A STATE HIGHWAY; BY THE COUNTY BOARD IN THE CASE OF A COUNTY HIGHWAY; BY EITHER THE HIGHWAY COMMISSIONER OR THE COUNTY SUPERINTENDENT OF HIGHWAYS IN THE CASE OF A TOWNSHIP OR DISTRICT ROAD, PROVIDED THAT IF CONSENT IS GRANTED BY THE HIGHWAY COMMISSIONER, THE PETITION SHALL BE FILED WITH THE COMMISSIONER AT LEAST 30 DAYS PRIOR TO THE PROPOSED DATE OF THE BEGINNING OF CONSTRUCTION, AND THAT IF WRITTEN CONSENT IS NOT GIVEN BY THE COMMISSIONER WITHIN 30 DAYS AFTER RECEIPT OF THE PETITION, THE APPLICANT MAY MAKE WRITTEN APPLICATION TO THE COUNTY SUPERINTENDENT OF HIGHWAYS FOR CONSENT TO THE CONSTRUCTION. THIS SECTION DOES NOT VITIATE, EXTEND OR OTHERWISE AFFECT ANY CONSENT GRANTED IN ACCORDANCE WITH LAW PRIOR TO THE EFFECTIVE DATE OF THIS CODE TO SO USE ANY HIGHWAY. (AMENDED BY P.A. 8-895, SEC. 1, EFFECTIVE OCTOBER 1, 1977.)

Section 530.102 Permits

a) The written consent for utility occupancy required by Statute is provided by procedures involving the application for and the issuance of permits on forms standardized by the Department. No utility work shall be started on State highway right-of-way until an approved permit has been issued.

b) Disclaimer
Permits issued by the Department are effective only insofar as the Department of Transportation has jurisdiction and do not presume to release the permittee from compliance with any Federal, State or local statutes and regulations applicable to utility construction, operation or maintenance.

Section 530.103 Signatory Authority

Permits and bonds to be issued under this policy by the Illinois Department of Transportation will be executed by the Secretary of Transportation or his duly authorized representative.

Section 530.104 Fees or Assessments

The Department charges no fees for the administration of the utility occupancy policy. However, charges are assessed for attachment of utility facilities to bridge structures. The assessment for bridge attachment is calculated by a formula based on the weight of the attached facilities and is covered in Subpart I of this Part.

Section 530.105 Traffic Protection

The grantee of a utility occupancy permit is responsible for providing and installing warning signs, protective devices and flagmen, when necessary, meeting the Department's requirements for protection of the traveling public and the utilities' workers when performing any work on the right-of-way. This is a very important responsibility and the utility is subject to the same traffic protection requirements as a contractor or State forces working on the right-of-way. The Department's minimum requirements for traffic protection are contained in the "Illinois Manual on Uniform Traffic Control Devices for Streets and Highways" (92 Ill. Adm. Code 546). The grantee shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to said grantee's attention by the Department.

Section 530.106 Exceptions to Policy

a) Request for utility occupancies that would not conform to the provisions of this policy shall be considered individually. Variance from policy may be granted where extreme terrain features or other extreme conditions would make compliance impractical or unreasonable.

b) Access of Freeway Rights-of-Way
Access of Freeway Rights-of-Way from the through travel lanes or ramps on. fully access-controlled highways shall not be permitted for servicing of such facilities except as provided for in the latest AASHTO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way."

Section 530.107 Objectives

This policy is oriented toward the preservation of the rights and privileges of the general public in the safe and free useof the State Highway System while allowing the optimum usage of

the highway rights-of-way by utilities that provide needed and useful services to the general public.

Section 530.108 Applicability

a) State Highways
This policy applies to all highways under the direct jurisdiction of the Illinois Department of Transportation. This policy is effective on the date of issuance. This policy supersedes all previously issued policies and its applicable provisions shall apply to all future utility occupancies and adjustments to existing facilities.

b) Local Road Systems
This policy does not apply to the County Highway System, Township and District Road System, and Municipal Street System as defined in Sections 2-102 through 2-104 of Chapter 121 of the Illinois Highway Code. The normal utility occupancy on Local Agency Systems is provided by the Department's Policy entitled "Utility Accommodation Policy for Federal-aid Work and MFT Construction Projects on County and Township Highways and Municipal Streets in Illinois."

Section 530.109 Location of Utilities

a) Utilities, where permitted, shall be located as remote as practical from the traveled or paved portion of the highway. No new above ground utility facilities shall be located within the area established as clear zone for that particular section of highway. No new parallel utility installations shall be permitted under paved portions of streets or high-ways under Department jurisdiction in rural areas and only under extra-ordinary conditions in urban areas.

b) Utility crossing facilities installed between the ditch lines of State highways shall be designed and constructed and shall incorporate materials and protective appurtenances so as to virtually preclude future disruption in these areas. Protection may include encasement, additional cover, or other measures that might not be required outside the areas.

c) Utilities shall not be permitted to cross under State highways in cattle passes, culverts or other drainage facilities.

1) Manholes
Manholes shall not be permitted in the traffic lanes of State highways in rural areas and only in extreme cases on municipal streets under the jurisdiction of the Department. Existing manholes may be permitted to remain.

2) Utility Bridges and Tunnels
Bridges to carry utilities over State highways or tunnels to carry utilities under State highways shall be considered as a use of "Air Rights" and shall be processed on federally aided highways as prescribed in Federal-Aid Highway Program Manual Volume 7, Chapter 4, Section 3. (Formerly PPM 80-10-1 and 80-10-2) The same provisions shall apply to non-federally aided State highways except the approval of FHWA will not be a requirement.

3) Medians
Each utility-crossing involving construction operations within a median area shall be considered individually. If such operations can be conducted 30 feet (9 meters) or more from the edges of both pavements, the crossing will be considered as two separate highway crossings.

4) On-Site Utility Location
The requirements for the vertical and horizontal field location of any utility installation on State right-of-way prior to and during construction shall be in accordance with Department policy.

Section 530.110 Scenic Strips, Rest Areas, Public Parks, Etc.

Special restrictions on utility occupancy may be applied on State highway rights-of-way adjacent to locations where visual quality is an important consideration, for example, scenic easements, rest areas, public parks, overlooks, recreation areas, etc. Underground utility installations at such locations will be considered if it will not result in excessive tree removal or other appreciable disruption of the environment.

Section 530.111 Encasement

Encasement of underground utility crossings where required is intended to serve one or more of the following purposes:

a) To allow replacement of utility without future disruption of roadway structure.
b) To vent or drain leaks of volatile gases or liquids that might occur under the roadway structure.
c) To serve as bridge or carrier through unstable soil structure.
d) To prevent cavitation under pavement structure from leaks of pressurized liquids.
e) To allow ease of insertion and coating protection of utility conductor or carrier.
f) To provide protection of utility conductor or carrier from superimposed loads and/or "dig-in" damage.
g) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Department. Underground utility crossings without encasement, when permitted, will generally preclude future maintenance or repair within the area between ditch lines or toes of slopes.

Section 530.112 Construction Methods

Construction methods for utility installations on State highway rights-of-way shall comply with the applicable provisions of the Department's "Standard Specifications for Road and Bridge Construction," the applicable General Orders of the Illinois Commerce Commission, Regulations of the Illinois Environmental Protection Agency, and the Standards adopted by the appropriate industry.

a) Boring or Jacking
1) Boring or jacking under State highways shall be accomplished from pits located a minimum of 30 feet (9 m) from the edge of pavement on fully access-controlled highways and at a distance of 10 feet (3 m) plus the depth of pit without shoring on conventional highways. If pits located a minimum of 30 feet (9 m) from the edge of pavement on fully access-controlled highways and at a distance of 10 feet (3 m) plus the depth of pit without shoring on conventional highways. If shoring is used, the pits shall be located a minimum of 10 feet (3 m) from the edge of pavement on conventional highways. The shoring shall be installed immediately after excavation

of the pit and it shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
2) Wet boring or jetting shall not be permitted under the roadway structure of State highways.
3) Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm). Borings six inches and under may be accomplished by either jacking or auger and following pipe method. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades.

b) Trenching
1) Trenching for utility installation, repair, or maintenance on State highway rights-of-way shall be done in accord with the applicable portions of Section 603 of the Department's "Standard Specifications for Road and Bridge Construction."
2) The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing.
3) Open trench and windrowed excavated material shall be protected as required by Part VI of the Illinois "Manual of Uniform Traffic Control Devices." (92 Ill. Adm. Code 546). Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection.
4) Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

c) Backfilling
1) Backfilling shall consist of refilling pits and/or trenches, excavated for the installation of utilities, with acceptable materials and

construction methods in accord with the Department's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

2) All trenches within the limits of the roadway structure shall be backfilled for their full width, depth, and length with granular material meeting the requirements of Article 704.07 (approximating CA 17 gradation) of the "Standard Specifications for Road and Bridge Construction."

d) Pavement Cuts

Pavement cuts for utility installation or repair shall not be permitted on any State highway open for traffic. If a variance is permitted as covered under Section 530.106, the following requirements shall apply:

1) Any excavation under pavements shall be promptly backfilled with granular material meeting the requirements of Article 704.07 (approximating CA 17 gradation) of the Department's "Standard Specifications for Road and Bridge Construction."

2) Restoration of pavement, in kind, shall be accomplished as soon as practicable. Temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Department.

e) Material Storage on Right-of-Way

All pipe, conduit, wire, poles, cross arms, or other materials distributed along the highway prior to installation shall be placed as remotely as practicable from the edge of pavement in a manner to minimize its being a hazard to errant vehicles or an obstacle to highway maintenance. If material is to be stored on highway right-of-way for more than two weeks prior to installation, approval must be obtained from the district engineer or his duly authorized agent.

f) Operational Restrictions

1) Utility construction and/or maintenance operations on State highway rights-of-way may, at the discretion of the Department, be required to be discontinued during periods of inclement weather when such operations would create extraordinary hazards to highway traffic. Such operations may also be required to be discontinued or restricted when soil conditions are such that the utility work would result in extensive damage to the highway right-of-way.

2) These restrictions shall be waived when emergency work is required to restore vital utility services.

Section 530.113 Materials

The materials used in constructing utility installations on the rights-of-way of the State Highway System shall be those meeting the accepted standards of the appropriate industry, the applicable portions of the Department's "Standard Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

Section 530.114 Liabilities

The petitioner for the occupancy of State highway right-of-way indemnifies the State by provisions of the permit against any liability for death, personal injury, or property damage that might occur attributable to the construction, maintenance, or occupancy of the utility facilities on the State highway right-of-way.

Section 530.115 Surety Bonds

a) General

1) The surety bonds required for utility work and occupancy on State highway rights-of-way are intended primarily to assure the prompt and satisfactory replacement and repair, at no cost to the State, of State highway facilities that may be damaged or disrupted by the utility companies operations or occupancy. These bonds are not to be considered as personal injury and property damage insurance.

2) The monetary value of the surety shall be based on the potential for highway facility damages which may be related to the type and volume of transmittant, and the physical dimensions of the utility facilities.

b) Highway Permit Continuing Bond
Surety shall be provided on Form MAI-206-A* as a continuing bond to remain in full force and effect for all Utility Companies issued a General Utility Permit providing for long-term or permanent occupancy of State highway rights of way.

c) Individual Highway Permit Bond
Surety shall be provided on Form BT 1046 by a contractor who constructs or maintains utility facilities under permit for a municipality, or other public body which is not required to maintain a continuing bond. Individual Highway Permit Bonds are to remain in full force and effect until the specific project is completed and the highway right-of-way left in a condition satisfactory to the Department.

d) Continuing Bond for Utility Contractors
A contractor, who has occasion to frequently request permits for utility work for public entities, may provide, at his option, for a continuing bond on Form MAI-206-A. This arrangement eliminates the need for the contractor to secure an Individual Highway Permit Bond for each project.

*Note: This Form and others mentioned in this Part are available from the Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764.

Section 530.116 Cleanup and Repair

Upon completion of all construction or maintenance of utility facilities on State highway rights-of-way, the contractor and/or the owner corporation shall remove all excess material and restore all turf and terrain to the satisfaction of the Department. Such cleanup and repair may consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition equivalent to that which existed prior to the commencement of the project.

Section 530.117 Maintenance

a) Utility facilities on State highway rights-of-way are to be maintained by or for the owner corporation in a manner satisfactory to the Department and at the owner corporation's expense.

b) Emergency Maintenance Procedures
Emergencies that require immediate attention or repair of a utility installation may preclude following normal procedures for securing a working permit.

1) Emergency maintenance in relation to utility installations on the Interstate and conventional Highway System will be considered as any immediate maintenance required to the utility installation for the safety of the traveling public or immediate maintenance required for the health and safety of the general public served by the utility.

2) In event the emergency is such as to create a hazard on the traveled portion of the roadway, immediate steps shall be taken by the utility company to provide all necessary protection for traffic on the highway including the use of signs, lights, barricades or flagmen. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the Interstate shoulder in such an emergency will only be permitted when no other means of access to the utility installation is available.

3) In event of an emergency, the utility company shall as soon as possible notify the District Engineer or his duly authorized agent of the emergency, informing him as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the State Police as well as the District Engineer shall be notified immediately.

4) In case of an emergency the utility company shall use all means at hand to complete repairs as rapidly as possible and with the least inconvenience to the traveling public.

Section 530.118 Review by Federal Highway Administration

The State Policy on the Accommodation of Utilities on State Highway Rights-of-Way has the approval of the Regional Administrator of the Federal Highway Administration insofar as

federally-aided highways are concerned. However, any proposed utility installation on federally-aided highways that is not in compliance with the approved Policy is subject to review by the Federal Highway Administration.

Section 530.119 Review by Central Bureau of Maintenance

Application for permits for utility installations on fully access-controlled State highways are subject to review by the Department's Central Bureau of Maintenance in the Division of Highways.

Section 530.120 Responsibility of Utility Company

It shall be the responsibility of the utility company to ascertain the presence of, and the location of, existing underground utility facilities or drainage facilities on the highway right-of-way to be occupied by their proposed facilities.

Section 530.121 Miscellaneous Facilities

a) Certain facilities that may be considered as quasi-utility occupancies may be permitted on State highway rights-of-way subject to the applicable requirements for the more common utility installations herein covered in detail. In this category would be facilities such as Highway Lighting, Drainage Ditches, Irrigation Ditches, Levees and possibly some others.
b) These miscellaneous facilities, where and when permitted, shall be constructed in accord with the Department's current design standards and be subject to structural analysis when appropriate.

Section 530.122 Abandonment

If the facilities installed on State highway rights-of-way are abandoned, the utility company may, at the option of the District Engineer, be required to remove such facilities and restore the right-of-way to a satisfactory condition. Suchremoval is not expected to be a normal requirement but requested only when the abandoned facilities will interfere with anticipated construction or other anticipated use of the right-of-way in the area or when existence of the abandoned utilities could be detrimental to the highway.

Section 530.123 Rights of Abutting Property Owners

Rights of abutting property owners are covered under (Ill. Rev. Stat. 1981, ch. 121, pars. 9-113 and 9-127). The Department shall not be a party in any negotiations between the utility and abutting property owners.

SUBPART C: ELECTRIC POWER AND COMMUNICATION LINES

Section 530.201 General

An application for a permit for a new power or communication installation system shall include evidence, if required, that a "Certificate of Public Convenience and Necessity" has been issued by the Illinois Commerce Commission. Electric power or communications installations on State highway rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of the National Electric Safety Code and 83 Ill. Adm. Code 402 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communication Lines" except for certain vertical clearance requirements as hereinafter noted.

a) Ground Mounted Appurtenances
Ground mounted appurtenances, when permitted on State highway rights of way, shall be provided with a vegetation-free extending one foot (305 millimeters (mm)) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material meeting the approval of the Department of Transportation. With the approval of the district, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground mounted appurtenances shall be painted an inconspicuous color.
b) Guy Wires and Brace Posts
1) The utility companies shall make every reasonable effort to design the installation so guys and braces will not be needed on the rights of way.
2) Exceptions may be allowed when there is no feasible alternative. When an exception is allowed, guy wires shall be equipped with Guy Guards for maximum visibility.

Section 530.202 Overhead Power and Communications Lines

a) Fully Access-Controlled Highways
1) Parallel Lines
Parallel pole lines shall not be permitted within the access control lines of fully access-controlled highways except existing installations that can be serviced without access from the through traffic roadway or ramps. Parallel pole lines may be permitted outside the access control lines of fully access-controlled highways where frontage roads or other corridors provide access for servicing the installation.
2) Overhead Crossings
A) Overhead crossings of power and communication lines over fully access-controlled highways, when permitted, shall cross at or as near as practicable to an angle of 90 degrees with the highway centerline. The crossings shall provide a minimum vertical clearance over the roadway of 20 feet (6m) with additional clearances as required by 83 Ill. Adm. Code 402 (General Order No. 160 Revised) of the I.C.C. for higher voltage lines. Where practicable, the crossing shall span the entire right of way with no poles, guys, or appurtenances within the access control lines.
B) Supporting poles, where permitted, shall not be located within 30 feet (9m) of pavement edges nor in medians of 80 feet (24m) or less in width.
C) Overhead crossings of interchanges that would require poles, towers, guy wires or brace posts within the interchange shall normally not be permitted except in cases of extreme need. The installation shall be in compliance with the latest AASHTO "Policy on the Accommodation of Utilities on Freeway Rights-of-Way" and the minimum offset allowable to the tower or pole shall be in accordance with the clear zone as provided in the latest AASHTO "Guide for Selecting, Locating and Designing Traffic Barriers."
D) Overhead crossings shall be transmission or distribution lines serving a general area or to serve a developing area. No individual service crossings will be permitted to cross a fully access-controlled highway except in cases of extreme hardship involving critical needs and isolated location.

b) Conventional Highways
1) Parallel Lines
A) Overhead power and communication lines parallel to the centerline of conventional State highways, where permitted, shall be of single pole construction located as near as practicable to the right of way line and as nearly parallel to the right of way line as reasonable pole alignment will permit.
B) Joint use of poles shall be required where practical.
C) In urban areas, where pavement is curbed, poles are to be as remote as practicable from the curb with a minimum distance of two feet (.06m) behind the curb, where available.
D) In urban areas, where pavement is uncurbed, poles shall be as remote from pavement edge as practicable with minimum distance of four feet (1.2m) outside the outer shoulder line of the roadway.
E) No utility poles shall be permitted in the ditch line of any State highway.
F) Ground-mounted appurtenances to electric power or communication lines, when permitted, shall be located within one foot (0.3m) of the right of way or as near as practicable.
2) Overhead Crossings
A) Overhead power and communication lines crossing conventional highways shall cross at or as near to a 90 degree angle as practicable. Vertical line clearance over the roadway shall be a minimum of 18 feet (5.5m) with additional clearances as required by 83 Ill. Adm. Code 402 (General Order No. 160 Revised) of the I.C.C. for higher voltage lines.
B) Poles shall be located within one foot (0.3m) of the right of way of the highway or as near as practicable.
C) Overhead crossings at major interchanges shall be discouraged.

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D) In expanding areas, frequent service crossings shall be discouraged in favor of requiring distribution systems on both sides of the highway.

Section 530.203 Underground Power and Communication Lines

a) Fully Access Controlled Highways

1) Parallel Lines

New underground power and communication lines parallel to the centerline shall not be permitted between the access-control of fully access-controlled highways. Existing underground lines may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the highway. Existing parallel installations will be relocated if they cannot be serviced except from through-travel lanes, shoulders or ramps of the highway.

2) Underground Crossings

Underground power and communication lines will be permitted to cross fully access-controlled highways under the following conditions:

A) The crossing provides a transmission or distribution service to a general area or an expanding area. No individual service crossings will be permitted to cross a fully access-controlled highway except in cases of extreme hardship involving critical need and isolated location.

B) The design, materials and construction methods shall be those that can be expected to provide maximum maintenance-free service life.

C) Capacity for foreseeable future expansion needs shall be provided in initial installation.

D) Encasement shall be provided between jacking or bore pits, if the crossing is installed by boring or jacking.

E) Encasement may be eliminated under the following conditions:

i) The crossing is installed by the use of "moles", "whip augers" or other approved methods which compress the earth to make the opening for cable installation.

ii) The installation is by the open trench method. This method is only permitted prior to roadway construction.

iii) If the power cable used is to operate at 300 volts to ground or greater, it must include a bare grounded conductor in continuous contact with the earth. This conductor shall be adequate for the magnitude and duration of the fault current imposed and shall be either shielded or multiple concentric conductors closely spaced circumferentially.

F) Installation shall have a minimum cover of 30 inches (0.8m) except that communication lines installed by the plowed method shall have a minimum cover of 24 inches (0.6m).

G) Above-ground mounted appurtenances to electric power or communication lines within the access control lines of fully access controlled highways shall normally not be permitted except in cases of extreme need. Where installations are approved, they shall be located within one foot (0.3m) of the right of way line or as near as practicable.

b) Conventional Highways

1) Parallel Lines

Underground power and communication lines may be permitted parallel to the centerline of conventional State highways under the following conditions:

A) The installation shall be located as near the right of way line as practicable and no more than five (5) feet (1.5m) from the right of way line.

B) Cable may be installed by trenching or plowing with special consideration given to crossing improved entrances and side roads.

C) The applicant for permit shall submit his plans and proposed construction methods.

D) If the buried electric power cable used is to operate at 300 volts to ground or greater, it must include a bare grounded

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conductor in continuous contact with the earth. This conductor shall be adequate for the magnitude and duration of the fault current imposed and shall be either shielded or multiple concentric conductors closely spaced circumferentially.

E) Above-ground appurtenances constructed as component parts of underground communication or electric power lines shall be located within one foot (0.3m) of the right of way line or as near as practicable.

2) Underground Crossings
Underground power and communication lines will be permitted to cross conventional highways under the following conditions:

A) The design materials and construction methods shall be those that can be expected to provide maximum maintenance-free service life.

B) Capacity for foreseeable future expansion needs shall be provided in initial installation.

C) Encasement shall be provided between jacking or bore pits, if the crossing is installed by boring or jacking.

D) Encasement may be eliminated under the following conditions:

i) The crossing is installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for cable installation.

ii) The installation is by the open trench method. This method is only permitted prior to roadway construction.

iii) If the power cable used is to operate at 300 volts to ground or greater, it must include a bare grounded conductor in continuous contact with the earth. This conductor shall be adequate for the magnitude and duration of the fault current imposed and shall be either shielded or multiple concentric conductors closely spaced circumferentially.

E) Installations shall have a minimum cover of 30 inches (0.8m) except that communication lines installed by the plowed method hall have a minimum cover of 24 inches (0.6m).

SUBPART D: GAS TRANSMISSION, DISTRIBUTION AND SERVICE

Section 530.301 General

a) An application for a permit for a new gas distribution system installation shall include evidence, when required, that a "Certificate of Public Convenience and Necessity" has been issued by the Illinois Commerce Commission. Gas pipelines when permitted on the rights of way of State highways shall be constructed, maintained, and operated in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, the Department's "Standard Specifications for Road and Bridge Construction," (49 CFR 192) and the regulations contained in this policy.

b) Applications for gas pipeline permits shall state the proposed pipe size, design, construction class, and operating pressures.

Section 530.302 Fully Access-Controlled Highways

a) Parallel Gas Pipelines:
New parallel gas pipelines shall not be permitted between the access lines of fully access-controlled highways. Existing parallel gas pipelines may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the fully access-controlled highway. Existing parallel installations will be relocated if they cannot be serviced except from through-travel lanes, shoulders, or ramps of the highway.

b) Gas Pipeline Crossings:
Gas transmission and distribution lines may be permitted to cross fully access-controlled highways under the following conditions:

1) Pipeline crossings shall be at or as near as practicable to a 90 degree angle with the highway centerline.

2) The crossing provides a transmission or distribution service to a general area or an expanding area. No individual service lines will be permitted to cross a fully access-controlled highway except in cases of extreme hardship involving critical needs and isolated locations.
3) The design, materials and construction methods shall be those that can be expected to provide maximum maintenance-free service life.
4) Capacity for foreseeable future expansion needs shall be provided in initial installation.
5) Crossings under completed highway projects shall be installed by jacking, or boring, with vented encasement provided between the ditch lines or toes of slopes of the highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. The venting of the encasement shall extend to within one foot of the right of way line. Crossings may also be installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for pipe.
6) Installation by open trench shall be permitted only prior to roadway construction with vented encasement provided between ultimate ditch lines or toes of slopes.
7) Encasement may be eliminated under the following conditions:
   A) Extra heavy pipe is used with the understanding that such omission shall preclude future maintenance or repair.
   B) Cathodic protection of the pipe is provided.
8) Pipeline shall have minimum cover of 30 inches (0.8m). Locations where rock excavation or deep cuts would make crossings with proper cover impractical shall be avoided.
9) The locations of the crossing pipe shall be marked at the right of way line with markers that identify the utility and provide emergency telephone numbers.

Section 530.303 Conventional Highways

a) Parallel Gas Pipelines:
Gas pipelines for transmission, distribution, and service may be permitted parallel to the centerline of conventional State highways under the following conditions:
1) The installation shall be located as near as practicable to the right of way line and not more than 8 feet (2.4m) from and parallel to the right of way line.
2) The materials, construction methods, and other elements are in conformance with the provisions of Subpart B of this Part. Gas pipelines shall have minimum cover of 30 inches (0.8m).

b) Gas Pipeline Crossings:
Gas pipelines for transmission, distribution, and service may be permitted to cross conventional State highways under the following conditions:
1) Installation shall cross at or as near as practicable to a 90 degree angle with the highway centerline.
2) Crossings over 60 psig shall be installed by jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. The venting of the encasement shall extend within one foot of the right of way line. Crossings may also be installed by the use of "moles," "whip augers" or other approved methods which compress the earth to make the opening for the pipe.
3) Installation by open trench shall be permitted only prior to roadway construction with vented encasement provided between ultimate ditch lines or toes of slopes.
4) Encasement will not be required for service crossings or others under 60 psig.
5) For installations 60 psig and over encasement may also be eliminated under the following conditions:
   A) Extra heavy pipe is used with the understanding that such omission shall preclude future maintenance or repair.
   B) Cathodic protection of the pipe is provided.
6) The locations of the crossing pipe for transmission and distribution lines shall be marked at the right of way line with markers that identify the utility and provide emergency telephone numbers. In urban areas, the markers

for transmission and distribution lines may be eliminated as provided in current Federal regulations.

7) In built-up or expanding areas, frequent service crossing should be discouraged in favor of establishing distribution on both sides of the highway.

8) Gas pipeline crossings shall have a minimum cover of 30 inches (0.8m) at all locations on right of way, including below design ditch elevation if ditch is higher than design elevation.

SUBPART E: PETROLEUM PRODUCTS PIPELINES

Section 530.401 General

a) Petroleum products pipelines are those carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry. Petroleum products pipelines are, with few exceptions, transmission lines delivering products to processing or distribution facilities. Petroleum products pipelines installed within State highway rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

b) Applications for pipeline permits shall state the type or types of transmittant, pipe size, maximum working pressure and the design standard to be followed.

Section 530.402 Fully Access-Controlled Highways

a) Parallel Petroleum Products Pipelines
New parallel petroleum products pipelines shall not be permitted within the access control lines of fully access-controlled State highways. Existing lines may be permitted to remain if they can be serviced without access from the through travel lanes, shoulders, or ramps of the highway. Existing parallel installations will be relocated if they cannot be serviced except from through travel lanes, shoulders, or ramps of the highway. Parallel petroleum products pipelines may be permitted outside the access control lines where frontage roads or other corridors provide access for servicing the facilities.

b) Petroleum Products Pipeline Crossings
Petroleum products pipelines may be permitted to cross fully access-controlled highways under the following conditions.

1) Crossings shall be at or as near as practicable to a 90 degree angle with the centerline of the freeway.

2) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service life.

3) Crossing of completed highway projects shall be installed by jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. The venting of the encasement shall extend to within one foot of the right-of-way line.

4) Installation by open trench shall be permitted only prior to roadway construction with vented encasement provided between ultimate ditch lines or toes of slopes.

5) Encasement may be eliminated under the following conditions:

A) Extra heavy pipe is used with the understanding that such omissions shall preclude future maintenance or repair.

B) Cathodic protection of the pipe is provided.

6) Crossing pipelines shall have minimum cover of 30 inches (0.8m). Locations where rock excavation or deep cuts would make crossings with proper cover impractical, shall be avoided.

7) The location of petroleum products pipeline crossings shall be marked at the right-of-way lines with markers that identify the utility and provide emergency telephone numbers.

Section 530.403 Conventional Highways

a) Parallel Petroleum Products Pipelines
Parallel petroleum products pipelines may be permitted on conventional State highways under the following conditions:

1) The installation shall be located as near as

practical to the right-of-way line and not more than 8 feet (2.4m) from and parallel to the right-of-way line.

2) The materials, construction methods and other elements are in conformance with Chapter 1 of this policy.

3) Pipelines shall have minimum cover of 30 inches (0.8m).

b) Petroleum Products Pipeline Crossings
Petroleum products pipeline crossings may be permitted to cross conventional highways under the following conditions:

1) The materials, construction methods and other elements are in conformance with Subpart B of this Part.

2) The installation shall cross at or as near as practicable to a 90 degree angle with the highway centerline.

3) Crossings shall be installed by jacking or boring under completed highway projects with vented encasement provided between ditch lines or toes of slopes of the highway. The crossing may be installed using tunneling with vented encasement but only when the installation is not possible by other means. The venting of the encasement shall be within one foot of the right of way line.

4) Encasement may be eliminated under the following conditions:

A) Extra heavy pipe is used with the understanding that such omission shall preclude future maintenance or repair.

B) Cathodic protection of the pipe is provided.

5) Crossing pipe shall have minimum cover of 30 inches (0.8 m).

6) Crossing shall be marked at the right of way lines with markers that identify the owner-operator and give emergency telephone numbers.

SUBPART F: WATERLINES

Section 530.501 General

Waterlines generally are those pipelines carrying potable water and permit applications for such lines shall indicate that all

requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied. Waterlines shall be installed to meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

Section 530.502 Fully Access-Controlled Highways

a) Parallel Water Mains
New parallel water mains shall not be permitted between the access-control lines of fully access-controlled highways. Existing water mains may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the highway. Existing parallel installations will be relocated if they cannot be serviced except from through-travel lanes, shoulders, or ramps of the highway. Parallel water mains may be permitted outside the access-control lines of fully access-controlled highways if frontage roads or other corridors provide access for servicing the lines.

b) Water Main Crossings
Water main crossings of fully access-controlled highways may be permitted under the following conditions.

1) The installation meets the applicable portions of Subpart B of this Part.

2) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service.

3) Crossing of completed highway projects shall be installed by jacking or boring with encasement provided between jacking or bore pits.

4) Encasement may be omitted when water main is installed by trenching prior to highway construction and carrier pipe is continuous or mechanical joints are of design approved by the Department. Bell and spigot type shall be encased regardless of installation method.

5) Crossing shall be at or as near as practicable to a 90 degree angle with the highway centerline.

6) Water main cover shall be sufficient to provide freeze protection and preferably shall be a minimum of four feet six inches (1.4m).

7) Crossing shall provide water service to a general or expanding area, and shall have capacity for

foreseeable future requirements.

8) Individual service crossing under fully access-controlled highways shall not be permitted except in cases of extreme hardship and isolated locations.

Section 530.503 Conventional Highways

a) Parallel Water Mains
Parallel water mains may be permitted on the rights of way of conventional highways under the following conditions:
1) The installation shall be located as near as practicable to the right of way line and not more than eight feet (2.4m) from and parallel to the right of way line.
2) The materials, construction methods and other requirements conform to the provisions of Subpart B of this Part.
3) Water main cover shall be sufficient to provide freeze protection and preferably should be a minimum of four feet six inches (1.4m).

b) Water Main and Service Crossings
Water main and service crossings of conventional State highways may be permitted under the following conditions:
1) Installation shall cross at or as near as practicable to a 90 degree angle with the centerline of the highway.
2) The materials, construction methods and other elements shall conform to Subpart B of this Part.
3) The crossings shall be installed by jacking or boring under completed highway projects.
4) Encasement shall be furnished between bore pits unless continuous pipe or Department approved jointed pipe is used under the roadway structure.
5) Casing may be omitted if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of type approved by the Department. Bell and spigot type pipe shall be encased regardless of installation method.
6) Crossing shall have sufficient cover for freeze protection (preferably a minimum of four feet six inches (1.4m)).

SUBPART G: SEWER LINES AND DRAINAGE LINES

Section 530.601 General

a) Sanitary sewers and storm sewers other than those installed only for highway drainage shall be regulated by this policy. Drainage piping owned and operated by an organized drainage district, sanitary district, municipality, or individual is regulated by this policy.

b) Permit applications for sewerline installations shall indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, have been satisfied. Sewerlines shall be installed to meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

Section 530.602 Fully Access-Controlled Highways

a) Parallel sewers and drains
New parallel storm sewers, sanitary sewers, or drainage piping systems that are not a part of the highway facilities shall not be permitted between the access-control lines of fully access-controlled highways. Existing parallel sewage or drainage systems may be permitted to remain if they can be serviced without access from the through-travel lanes, shoulders, or ramps of the highway. Existing parallel installations will be relocated if they cannot be serviced except from through-travel lanes, shoulders, or ramps of the highway.

b) Sewers and drain crossings
Storm sewers, sanitary sewers, or drainage piping systems may be permitted to cross fully access-controlled highways under the following conditions:
1) Crossings shall be at or as near as practicable to a 90 degree angle with the centerline of the highway.
2) The design, construction methods and materials shall be those that can be expected to provide maximum maintenance-free service life.
3) Crossings of completed highway projects shall be installed by jacking or boring with encasement

provided between bore or jacking pits.

4) Casing may be omitted for crossings installed by open trench method prior to highway construction if the sewer system is unpressurized or if continuous pipe or jointed pipe approved by the Department is used. Such uncased installation shall preclude future repair or maintenance under the roadway structure.

5) Sewer and drain lines shall have minimum cover of 30 inches (0.8m) with desirable cover sufficient for freeze protection.

Section 530.603 Conventional Highways

a) Parallel sewer and drain piping
Sewer and drain piping systems may be permitted on conventional State highways under the following conditions:

1) The installations shall be located as near as practicable to the right of way line and not more than 8 feet (2.4m) from and parallel to the right of way line.

2) The materials, construction methods and other elements are in conformance with Subpart B of this Part.

3) Sewer and drainage piping shall have minimum cover of 30 inches
(0.8m) and preferably sufficient cover for freeze protection.

b) Sewer and drain pipe crossings
Sewer and drain pipe may be permitted to cross conventional highways under the following conditions:

1) The materials, construction methods and other elements are in conformance with Subpart B of this Part.

2) The installation shall cross at or as near as practicable to a 90 degree angle with the highway centerline.

3) Crossings of completed highway projects shall be installed by jacking or boring with encasement provided between bore or jacking pits.

4) Casing may be omitted for crossings installed by open trench method prior to highway construction, if the sewer system is unpressurized or if continuous pipe or jointed pipe approved by the Department is used. Such uncased installation

shall preclude future repair or maintenance under the roadway structure.

5) Crossing pipe shall have minimum cover of 30 inches (0.8m) and preferably shall have sufficient cover for freeze protection.

SUBPART H: TREE TRIMMING FOR LINE CLEARANCE

Section 530.701 General

a) The Department's policies for the preservation and conservation of roadside trees, shrubs and turf are based on the inherent value of these environmental features to the public well-being and enjoyment.

b) Tree trimming for line clearance shall not be considered a normal maintenance operation and each tree trimming project shall require the application for and the issuance of a separate working permit.

c) Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workmen with supervision experienced in following accepted tree pruning practices.

d) Poor pruning practices resulting in damaged or misshapened trees shall not be tolerated and shall be grounds for cancellation of the tree trimming permit.

e) The Department will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Shade Tree Conference shall be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees.

f) The Department may require the removal of trees if trimming or radical pruning would leave them in an intolerable condition.

g) The Department may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

h) Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

Section 530.702 Chemical Brush Control

a) Spraying of live foliage with any type of brush-killing chemicals in lieu of cutting shall not be permitted on state highways rights of way.
b) Each permit application for chemical use for growth retardant or prevention of reestablishment of brush shall be considered individually. Approval or disapproval will be based on the location and the proposed methods and materials.
c) Permit applications for chemical control of vegetation shall require certification that the work will be accomplished by personnel licensed by the Department of Agriculture as Pesticide Applicators.

SUBPART I: UTILITY ATTACHMENTS TO BRIDGES OR TRAFFIC STRUCTURES

Section 530.801 Utility Attachments to Bridges or Traffic Structures

General
It shall be the general policy of the Department to grant approval for accommodation of utilities on bridges only when engineering and economic study substantiates that all othermeans of accommodating the utility are not practical. Other means shall include, but not be limited to, underground, under stream, independent poles, cable supports, tower supports, etc., all of which are completely separated from the bridge. The utility company shall include the supporting date, in their request, that indicates the impracticality of alternate routing.

a) The provisions of this Chapter supersede the Department's Administrative Memorandum No. 40 dated January 2, 1973 and all prior issues.
b) This policy covers the requirements, limitations, procedures, and assessment of charges for the permitted attachment of utility facilities to bridges or traffic structures on or over State highways that are under the jurisdiction of the Department of Transportation.
c) The provisions of this policy are applicable to both existing and proposed bridges for the attachment of a new utility, the expanding of an existing utility attachment, or the voiding of an attachment permit.
d) Utility facilities attached to highway structures constitute varying degrees of hazards to the highway user and to the structure itself. Utility facilities transmitting commodities that are volatile, flammable,

corrosive, or energized, especially those under significant pressure or potential, present the higher degrees of risk and such installations shall normally not be permitted. Approval or disapproval of an application for utility attachment to a highway structure shall be based on the following considerations:

1) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to the highway user.
2) The type, length, value, and relative importance of the highway structure in the transportation system.
3) The alternative routings available to the utility and their comparative practicality.
4) The proposed method of attachment.
5) The degree of interference with bridge maintenance and painting.
6) The effect on the visual quality of the structure.
7) The public benefit expected from the utility service as compared to the risk involved.

e) Assessment charges for utility attachments to highway structures are not intended to produce revenue. The charges are assessed to cover the cost of the engineering analysis required and as compensation for the addition of weight that reduces the available live-load capacity of existing bridges and enters into the cost of proposed new bridges.
f) When the Department requires the removal or adjustment of any existing utility attachment due to the renovation or removal of an existing bridge, the existing permit shall be automatically voided, and if a new permit is applied for and approved, the utility owner will be assessed in accord with this policy.
g) The assessment charge for utility attachment is based on the ratio of the weight of the proposed utility elements to the live-load for which the structure was or will be designed. The factor arrived at from the foregoing ratio is applied against the cost of the load-bearing elements of the structure, including piers and/or abutments.
h) The minimum charge for any utility attachment to a highway structure shall be $300.
i) Attachment of utilities to bridges or structures on fully-access controlled highways will not be permitted, except in extreme cases as described in

AASHTO Policy on the Accommodation of Utilities on Freeway Rights of Way. If a bridge carrying a utility attachment is incorporated into a fully access-controlled highway, the attachment may be permitted to remain if it can be serviced without access from the traffic lanes, shoulders, or ramps of the highway.

j) The utility owner shall provide approved cut-off facilities at each end of the highway structure in order that service through the facilities attached to the structure can be cut off in case of accident or other occurrence requiring such interruption.

k) A permit for utility attachment to a bridge or traffic structure shall be issued on Form MAI 613 and the billing and collecting of the assessment shall be the responsibility of the District Engineer.

l) An application for a permit for utility attachment to a bridge or structure shall be submitted to the Central Bureau of Maintenance for review of compliance with policy and method of attachment. If approved by the Central Bureau of Maintenance, the permit will be forwarded to the Central Bureau of Bridges and Structures for structural analysis and computation of assessment charges. The Central Bureau of Bridges and Structures will inform the District Engineer of the amount of the assessment charge.

Section 530.802 Methods of Attachment

a) Prohibited Attachment
No utility attachment to a bridge or traffic structure will be considered that proposes any of the following practices:

1) Burying conduits or cables in bridge slabs or sidewalks.
2) Drilling holes outside the middle third of the web of load carrying steel structural elements.
3) Welding on structural steel elements of the structure.
4) Drilling into prestressed or post-tensioned, concrete supporting beams. Casting inserts into the bottom of prestressed concrete members.
5) Attaching in a manner that will reduce critical clearances.
6) Attaching outside the fascia of the bridge or structure.

7) Gas pipelines over 4 inches (102 mm) in diameter or having internal pressure in excess of 75 pounds per square inch gauge (psig) (520 kPa). More than one gas pipeline for each structure.
8) Pipelines carrying liquids or gases of an extraordinarily hazardous nature shall not be attached to highway structures.

b) Acceptable Attachment Practices
When and where the attachment of a utility to a highway bridge or structure is given favorable consideration, the following general practices should be followed:

1) The attachment shall be located below the floor of the structure between beams or girders and above the lowest structural member on existing structures. Conduits may be designed into a new structure for approved attachments.
2) Supports and/or hangers shall be designed to clamp or bolt to steel structural elements.
3) Supports and/or hangers shall be designed to clamp or bolt to prestressed or post-tensioned concrete structural elements.
4) Utility facilities may be hung from inserts drilled on existing bridges or cast on new construction into noncritical concrete areas such as the floor slab. Inserts on new construction will be furnished and installed by the Department and shown in detail on construction plans.
5) The petitioner shall submit plans and specifications showing the size, weight per foot, and proposed method of attachment of the utility elements and stating the type of commodity to be transmitted, the proposed pressure or voltage, and giving the proposed location of cutoffs adjacent to the structure.
6) A permit for bridge attachment shall provide conduit or pipe capacity for any anticipated expansion. In the interest of simplification, the assessment charge shall be calculated assuming that all conduits of the proposed system are filled.
7) All work of attachment and maintenance of the utility facilities shall be accomplished by the utility. In the case of a new bridge or traffic structure, the contract special provisions will require the State's contractor to cooperate with

the utility company with the understanding that the utility company will furnish and install the necessary conduits or pipes and appurtenances.

Section 530.803 Permit Issuance

The issuance of a Bridge Attachment Permit (Form MAI 613) will acknowledge receipt of the assessment charge and will give the necessary permission to attach, operate, and maintain the facility. In the case of a new structure, the permit will serve as an agreement during the period of construction and as a permit to attach, operate, and maintain the facility upon completion of the construction.

Section 530.804 Abandonment

If the utility facilities attached to a bridge or traffic structure are abandoned, they shall be removed by the utility company at the utility company's expense. The removal shall include all clamps or other appurtenances and the locations of such appurtenances painted and restored to original condition.

SUBPART J: PROCESSING UTILITY PERMITS

Section 530.901 General

Permits to construct, operate, or maintain utility facilities on State highway rights-of-way under the jurisdiction of the Department of Transportation will require the processing of one or more of the following permit forms:

MAI 60 - General Utility Permit
MAI 206-A - Highway Permit Continuous Bond
BT 1045 - Highway Permit
BT 1046 - Individual Highway Permit Bond
MAI 613 - Authority to Attach

Section 530.902 MAI-60 General Utility Permit

A General Utility Permit is processed by the Central Bureau of Maintenance when a Utility Company proposes to construct extensive utility facilities on State highway rights-of-way as a permanent or long-time occupancy. This permit is an agreement between the Utility Company and the Department that includes the deposit of a surety bond in an amount designated by the Department based on the type and extent of the anticipated occupancy. The issuance of this permit does not

authorize any specific work but authorizes and simplifies the issuance of working permits for individual projects undertaken by the Utility Company under the general authorization. Highway Permit (BT 1045) is used as a working permit in these cases, and is processed at the District level. Form MAI 60 is processed at the District level. Form MAI 60 is processed and routed as follows:

a) Initiated by Utility Company - submitted to Central Bureau of Maintenance in three copies, usually through a District.
b) Processed by Central Bureau of Maintenance and assigned State Serial Number.
c) Two fully executed copies sent to Utility Company or District of origin.
d) Machine copy sent to each District in which utility will operate.

Section 530.903 MAI 206-A, Highway Permit Continuous Bond

a) Highway Permit Continuous Bond (Form MAI 206-A) is a continuous bond to remain in full force and effect for a Utility Company as long as their facilities occupy State Highway right of way.
b) Before a General Utility Permit (MAI 60) is approved, a Highway Permit Continuous Bond (MAI 206-A) must be executed to cover work performed under said permit.
c) The amount of the bond shall be determined by the Bureau of Maintenance.
d) Instructions for processing the bond shall be obtained by submitting a request to the Engineer of Maintenance, Division of Highways, 2300 South Dirksen Parkway, Springfield, Illinois, 62764. For bonds in force, a change in the surety company will require submitting a request to the Engineer of Maintenance at the above Springfield address.
e) The Central Bureau of Maintenance will maintain a file and tabulation of Highway Permit Continuous Bonds (MAI 206-A) and monitor them for continuity, cancellation and renewal. Districts will be furnished tabulation of active bonds periodically.
f) Access Permit Coverage
If the Utility Company requests and surety acknowledges by endorsement, the Highway Permit Continuous Bond (MAI 206-A) may cover permits for access (entrances) in addition to the utility permits and occupancy. If so endorsed, the Central Bureau of

Traffic will be furnished a copy of the specific bond.

g) Contractor Continuing Bond
The Highway Permit Continuous Bond (MAI 206-A) may be processed for contractors, who have frequent need for Highway Permits, as a convenience in avoiding the necessity of securing individual bonds for each Highway Permit.

Section 530.904 BT 1045 Highway Permit

a) Form BT 1045 shall be used for work on State highway rights-of-way. For utility application, this form is also used as a working permit supplemental to the General Utility Permit (MAI 60). Highway permits are normally processed and issued at District level. If they require review by the Central Bureau of Maintenance (on Fully Access-Controlled Highways) or by the Federal Highway Administration (Variation from State Policy on Federally-aided Highways) such review shall be made before issuance by the District. The transmittal memorandum accompanying permits sent in for review by Central Bureau of Maintenance or by FHWA shall include a recommendation for approval or disapproval by the District Engineer.

b) Review by the Central Bureau of Maintenance requires one copy of permit documents to be submitted. Review by the Federal Highway Administration requires four (4) copies of permit documents to be submitted through the Central Bureau of Maintenance.

c) Form BT 1045 must be accompanied by (as attachment) plans and specifications showing the location of the work, plans, profiles, sections and construction methods.
   1) BT 1045 initiated by applicant and submitted to a District with four copies with attachments.
   2) Processed and issued at District level (after review, if required).
   3) A copy of the highway permit shall be on the work site while work is in progress.

Section 530.905 BT 1046 Individual Highway Permit Bond

Highway Permit Individual Bond is used as a performance bond to remain in effect until a project is completed and left in acceptable condition or for a period of time (usually 5 years). This bond is required to be furnished by an applicant

who has no continuing bond (MAI 206-A) in effect and may be used to supplement a continuing bond if additional short-term surety might be required for a specific and extensive project. Processing shall be as follows:

a) The applicant shall have an Individual Highway Permit Bond (BT 1046) to cover work authorized by the Highway Permit (BT 1045).

b) The District will furnish instructions for the execution of the bond.

c) Bonds will be processed and monitored at District level.

Section 530.906 MAI 613 - Authority to Attach

Form MAI 613 serves as a permit for a Utility Company to attach facilities to a bridge or highway structure and as an acknowledgement of receipt of the assessment charges.

a) A request for attachment is initiated by a Utility Company through a Highway District. The District shall require a statement from the utility that other routing of the facilities has been studied and shall require submittal of study data indicating the impracticality of other routings. The request shall be accompanied by plans and specifications showing the size, weight, commodity involved, operating pressure or voltage, proposed location on the structure, method of attachment, and weight per foot of the complete facility.

b) The request with accompanying information shall be submitted to the Central Bureau of Maintenance in two (2) copies for review of compliance with policy.

c) If approved by the Central Bureau of Maintenance, the request will be sent to the Central Bureau of Bridges and Structures for structural review and computation of the assessment charge.

d) The Central Bureau of Bridges and Structures will notify the District of the assessment charge.

e) The District shall prepare Form MAI 613 in three (3) copies and one (1) copy of Accounts Receivable Invoice (BFM 644) and send them to the Utility Company requesting that they execute all three copies, make a check payable to the State Treasurer for the amount of the Invoice and furnish a bond if no continuing bond is on file or if the bond is not sufficient to cover this installation. The Utility Company submits all requested documents to the District.

f) The District shall then submit the three (3) copies of the permit (MAI 613) and the bond (if an additional bond has been furnished) to the Engineer of Maintenance who will have the three copies of the permit executed on behalf of the Department.

g) Two signed copies of the attachment permit will be returned to the District, one copy for the Utility Company, and one for the District files.

h) Receipt of Approved Permit

1) Upon receipt of the approved permit, the District will schedule the Utility Company's check and one copy of the Accounts Receivable Invoice (Form BFM 644) with an Accounts Receivable Remittance Statement (Form BFM 646) directly to the Bureau of Budget and Fiscal Management. A copy of the BFM 646 form shall be sent to the Bureau of Construction when new structures are involved.

2) The BFM 646 form shall show complete information including Route, Section, Station Number, County, and Permit Number to assure that the payment shall be identified with the specific attachment.

Section 530.907 Utility Permits To Municipalities, Sanitary Districts or Public Entities

a) Occupation or crossing of State Highway rights of way by municipally-owned utility installations or those owned by a public entity are subject to all of the requirements of this policy except the bonding requirement. A permit shall be issued to the public entity on Form BT 1045.

b) A Contractor working on a utility owned by a public entity on State Highway right of way shall be required to have a Highway Permit Individual Bond or Continuous Bond, if appropriate.

c) A Utility Permit issued to a public entity shall be executed by the elected governing body and have an attached certification that the signature and commitments were authorized by "Resolution."

Section 530.908 Cancellation of Permits and Bonds

General Utility Permits (Form MAI 60) sometimes becomes inactive or void, usually because a Utility Company is purchased by or consolidated with another Utility Company. Rarely a permit may become inactive because of removal of the

utility facilities from the right-of-way. Districts in which consolidation, removal or other physical or corporate changes occur, should inform the Central Bureau of Maintenance of such changes. Active files should be periodically purged of void permits and/or bonds. Consolidation or corporate changes in Utility Companies may occasionally require a new General Utility Permit or new or adjusted surety coverage.

Section 530.909 Resubmittal of Denied Permits

If a request for a permit is denied, the Department shall submit a letter to the Utility Company explaining reason fordenial. The permit request may be resubmitted for consideration if the plans and specifications are modified to be in compliance with this policy.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1983

2) Code Citation: 68 Ill. Adm. Code 1240

3) Section Numbers: Adopted Action:

1240.16	New Section
1240.40	Amendment
1240.50	Amendment

4) Statutory Authority: Ill.Rev.Stat. 1989, ch. 111, pars. 2664, 2665, 2670 and Ill. Rev. Stat. 1989, ch. 38, Section 24-2.

5) Effective Date of Amendments: February 11, 1991

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 5, 1991

9) Date Notice of Proposal Published in Illinois Register: February 16, 1990
14 Ill. Reg. 2456

10) Has JCAR issued a Statement of Objections to these amendments? The second notice period has expired.

11) Difference(s) between proposal and final version: Section 1240.10, 1240.20, and 1240.16(1)(B) have been deleted from this rulemaking due to the enactment of P.A. 86-1043 which exempted only "peace officers" from submitting documentation, in lieu of fingerprint cards, on the application for permanent employee registration. In Section 1240.50(a), "every individual license issued under the Act shall expire on May 31 on each even numbered year" was changed to "Beginning with the May 31, 1990 renewal, every individual license issued under the Act shall expire on May 31 every three years."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? The second notice period has expired.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: In lieu of submitting fingerprint cards, peace officers may submit alternate verification on forms provided by the Department, of full-time employment as a peace officer, for application for permanent employee and a proprietary security force registration. A definition of the term "peace officer" is also included. Requirements for registration of a proprietary security force are also set forth in this rulemaking. The renewal period has been changed from "two years" to "three years". Requalification on a firing range for renewal of the firearm authorization card has been changed from "six months" to "one year" preceding the renewal date.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY ACT OF 1983

Section
1240.5 Licensure Under Section 6 of the Act
1240.7 Exemptions Under Section 5 of the Act
1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.15 Application for Licensure - Private Alarm Contractor
1240.16 Registration of Proprietary Security Force
1240.20 20-Hour Basic Training Course - General
1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.30 Firearm Training Course
1240.35 Approval of Training Programs and Instructors
1240.40 Permanent Employee Registration Cards
1240.41 Refusal to Issue Employee Registration Card
1240.45 Firearm Authorization Cards
1240.46 Recordkeeping Requirements - Employee Files
1240.48 Uniforms
1240.50 Renewals
1240.51 Requests for Duplicate Certificates
1240.55 Endorsement
1240.60 Restoration
1240.65 Conduct of Hearings
1240.70 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1983 (Ill. Rev. Stat. 1989, ch. 111, par. 2651 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985;

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991.

Section 1240.16 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with paragraph (6) and all financial institutions who employ armed security guards in accordance with paragraph (8) shall register their security force with the Department, on forms provided by the Department, which includes the following:

1) business name and address of the proprietary security force;

2) the number of armed employees; and

3) the name and title of the security director who will be registering armed employees.

b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20-hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card for each armed employee of his security force. Each application shall include:

1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation:

A) If the employee has state and federal fingerprint cards on file with the Department, additional fingerprint cards are not required; or

B) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law

with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

2) verification that the employee has completed the training required in subsection (b). If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request;

3) the $5 application fee; and

4) the required fingerprint processing fee, if applicable.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of such and the reason why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force which issues him a weapon.

(Source: Added at 15 Ill. Reg. 3051, effective February 11, 1991)

Section 1240.40 Permanent Employee Registration Cards

a) Any person seeking employee registration under Section 15 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation;

2) In lieu of the fingerprint cards, a full-time peace officer may submit verification, on forms provided by the Department, of full-time

employment as a peace officer. Such verification shall be signed by his employer. A peace officer is defined as any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or limited to specific offenses. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

~~2) Sworn statement verifying that the fingerprints are those of the applicant;~~

3) ~~Two~~ One 1 1/2 " x 1 1/2" photographs taken within the 3 months preceding application;

4) The required fingerprint processing fees; and

5) The required registration fee specified in Section 20 of the Act, made payable to the Department of Professional Regulation.

b) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

c) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.

d) All persons employed by an agency certified under this Act on January 5, 1984, shall be required to comply with the provisions of this Section.

(Source: Amended at 15 Ill. Reg. 3051, effective February 11, 1991)

Section 1240.50 Renewals

a) Beginning with the May 1990 renewal, ~~E~~every individual license issued under the Act shall expire on May 31 ~~of each even numbered year~~ every three years. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 20 of the Act, providing proof of liability insurance as evidenced by a certificate of insurance from the insurer, and, if applicable, by complying with the provisions of Section 6 of the Act as it pertains to firearm training

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b) Every certificate of registration for an agency and every branch office certificate issued under the Act shall expire on August 31 of each even numbered year. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

c) Every application for renewal of an agency certificate of registration shall be accompanied by a complete roster of current employees of that agency. The roster shall be submitted and shall include each employee's name, home address, social security number, permanent employee registration number, basic training number and firearm authorization card number, if applicable.

d) It is the responsibility of each registrant to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license. Practicing on an expired license is unlicensed practice and subject to discipline under Section 19 of the Act.

e) Every employee registration card issued under the Act shall expire on the date specified on the face of the card. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

f) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

1) The employee has been requalified on the firing range within the ~~six months~~ one year preceding the renewal date; and

2) The employee continues to be employed by the agency to which the card was issued.

g) No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at 15 Ill. Reg. 3051, effective February 11, 1991)

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1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3)

Section Numbers:	Adopted Action:
147.300	New Section
147.305	New Section
147.310	New Section
147.315	New Section
147.320	New Section
147.325	New Section
147.330	New Section
147.335	New Section
147.340	New Section
147.345	New Section
147.350	New Section

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Adopted Amendments: February 5, 1991

6) Does this rulemaking contain an automatic repeal date?
____Yes X No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 5, 1991

9) Notice of Proposal Published in Illinois Register:

June 15, 1990 (14 Ill. Reg. 9355)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? Yes

A) Statement of Objection: Aug. 10, 1990 (14 Ill. Reg. 13039)

B) Agency Response: February 22, 1991 (15 Ill. Reg. 3129)

C) Date Agency Response Submitted for Approval to JCAR: January 29, 1991

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11) Differences between proposal and final version:

In Section 147.300(a), lines 7 and 8, the word "are" was deleted.

Section 147.305(d)(1)(F) was added and reads as follows:

> "A rehabilitation counseler shall be certified by the Commission on Rehabilitation Counseler's Certification."

In Section 147.310(a), the phrase "to each individual," was deleted; the word "criteria" was deleted and the words "services as set forth in" were added in its place; the "comma" after "IDT", was deleted; the words "program of" were deleted; the word "program" was added after the word "services"; the word "that" was deleted and the word "each" was added in its place.

In Section 147.315, the introductory phrase "Comprehensive Assessments and Reassessments" was deleted.

In Section 147.315(a), line 3, the commas after the word "assessment" and after the word "needed" were deleted.

In Section 147.315(a)(1), the words "Prior to October 1, 1990, a" were deleted; the word "A" was added before the word "comprehensive".

In Section 147.315(a)(1)(C), the "f" in "functioning" and the "s" in "scale" were changed from lower case to upper case.

In Section 147.315(a)(1)(E), the parenthetical statement "(77 Ill. Adm. Code 300.1410(c))" was added to the last sentence.

In Section 147.315(b)(2), line 1, the word "assessments" was changed to "reassessments".

In Section 147.325(a), line 1, the parenthetical phrase "(see 147.315(b)(2)(A) through (G))" was added after the word "needs".

In Section 147.325(m)(3), line 5, the word "should" was deleted and the word "shall" was added in its place.

In Section 147.325(m)(4),line 2, the word "should" was deleted and the word "shall" was added in its place.

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In Section 147.345, line 4, "1988" was changed to "1989".

In Section 147.350(c)(1)(A), line 4, "1984" was changed to "1989".

In Section 147.330(f), line 5, the phrase ", where appropriate," was deleted; line 6, the phrase ", where appropriate" was added after the word "medication".

Changes were also made on second notice. The changes are indicated by underlining of new language added on second notice and dashout of language deleted.

Section 147.300(a) was changed as follows:

a) The Department reimburses residential facilities for program costs associated with the delivery of specialized services to individuals with mental illness, according to information obtained during each facility's most recent Inspection of Care (IOC) review conducted by Department staff. The ~~categories~~ category of facilities which ~~are~~ is affected by Sections 147.300 through 147.350 are is ~~intermediate care facilities for individuals with mental illness (ICF/MI) and~~ nursing facilities (NF) with at least one individual with mental illness determined to require specialized services. IOC review assessments of 100% of the Medicaid residents are conducted in these facilities every twelve (12) months. Total ~~P~~program reimbursement determination is based upon IOC review criteria specified in Sections ~~147.25~~ 147.5 through ~~147.205~~ 147.350.

Section 147.305(a)(1) was changed as follows:

> 1) The acquisition of behaviors and skills necessary to reach the highest practical functional level of ~~with as much~~ self-determination and independence in the areas of self-maintenance, social functioning, community living activities, and work related skills~~,~~; and

Section 147.305(b) was changed as follows:

b) The specialized service program for each individual must be delivered through the implementation of a Comprehensive ~~Care~~ Program Plan ~~(CCP)~~ (CPP) consisting of interventions and services which are designed to meet the individual's needs, with continuity across

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all of the environments in which the individual lives. The ~~CCP~~ CPP is a plan where specialized services programming and interventions are consistently implemented throughout the day, regardless of the individual's whereabouts.

Section 147.305(c) was changed as follows:

c) The ~~CCP~~ CPP must be developed by an Interdisciplinary Team (IDT) that includes ~~represents~~ the individual, and the professions, disciplines or service areas that are relevant to identifying and prioritizing the individual's needs, and designing programs to address the identified needs.

Section 147.305(d) was added as follows:

d) The facility must have qualified professionals available to develop, implement and monitor the various programs designed to address each individual's identified needs.

1) Qualified professional staff must be licensed, certified, or registered, as applicable, to provide professional services by the State of Illinois.

A) A doctor of medicine or osteopathy is licensed pursuant to the Medical Practices Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

B) A registered nurse is licensed pursuant to the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

C) An occupational therapist is registered pursuant to the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

D) A psychologist is registered pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

E) A social worker is licensed pursuant to the Clinical Social Work and Social Work Practices Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.).

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Section 147.305(e) was changed as follows:

~~d)~~e) Each individual's specialized service program must be integrated, coordinated and monitored by a ~~Qualified Mental Health Professional (QMHP)~~ Psychiatric Rehabilitation Services Coordinator (PRSC), identified as an individual who meets one of the following criteria and in addiition has a minimum of one year of experience working directly with persons with mental illness:

1) A doctor of medicine or osteopathy;

2) A registered nurse;

3) An occupational therapist; ~~or occupational therapy assistant certified by the American Occupational Therapy Association or other comparable body;~~

4) A psychologist; ~~with at least a master's degree in psychology from an accredited school;~~

5) A social worker; or ~~with at least a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body;~~

6) ~~A human services professional with~~ An individual that has at least a bachelor's degree in a human services field (including, but not limited to: sociology, special education, rehabilitation counseling and psychology).

Section 147.310(a) was changed as follows:

a) ~~Federal regulations require that~~ Medicaid certified facilities serving individuals with mental illness are required to address the needs of each individual through a continuous specialized service program. The Interdisciplinary Team (IDT) is a key component in a facility's ability to develop an appropriate program of specialized services for each individual in residence. The responsibility for the composition and quality of the IDT rests solely with the licensed provider. Further, a facility is fully responsible for ensuring the delivery to each individual, of all criteria in Sections 147.25 through 147.205, which are

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deemed necessary by the IDT, in the program of specialized services for that individual.

Section 147.315(a) was changed as follows:

effective date of October 1, 1990 will have passed prior to final adoption of this rule. The qualified mental health professional (QMHP) designation is changed to a psychiatric rehabilitation services coordinator (PRSC) in this section to maintain consistency throughout these rules.

a) Comprehensive Assessments

The interdisciplinary team (IDT) must identify the individual's needs by performing a comprehensive functional assessment, as needed, to supplement any preliminary evaluation conducted prior to admission to a residential facility. ~~Effective October 1, 1990,~~ ~~a~~Assessments must be ~~conducted or~~ coordinated by a ~~Qualified Mental Health Professional (QMHP)~~ Psychiatric Rehabilitation Services Coordinator (PRSC).

Subsection B, C, D, E, H and I of Section 147.315 (a)(1) were changed as follows:

B) Psychosocial history completed by a ~~Qualified~~ Social Worker or ~~a QMHP~~ Occupational Therapist covering the following points:

C) Level of functioning scale completed ~~under the direction of and signed by a Qualified Mental Health Professional or a Qualified~~ by a Social Worker or an Occupational Therapist.

D) Rehabilitation potential completed ~~under the direction of and signed by a Qualified Mental Health Professional or a Qualified~~ by a Social Worker, an Occupational Therapist or a Certified Rehabilitation Counselor.

E) Recreation and leisure activities completed ~~under the direction of the Activity Director or~~ by an Occupational Therapist or, under the direction of an Occupational Therapist, by the Activity Director.

H) Discharge potential completed ~~under the direction of and signed by a Qualified~~

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~~Mental Health Professional~~ by a Psychiatric Rehabilitation Services Coordinator or a ~~Qualified~~ Social Worker.

Section 147.315(a) was changed as follows:

2) The comprehensive functional assessment ~~should~~ must be used to develop a comprehensive ~~care~~ program plan which:

A) ~~Identifies~~ Addresses presenting problems and areas of need;

B) Identifies the individual's specific functional strengths and deficits;

C) ~~Identifies any behavioral management needs which the individual might have;~~ Addresses the reduction of symptoms and the acquisition of skills necessary for the individual to successfully move into the most facilitative environment; and

D) Identifies the individual's need for services ~~and environmental modification~~ without regard to the ~~actual~~ current availability of the services. ~~needed or practicality of changing the current environment.~~

Section 147.315(b)(1) was changed as follows:

1) At least every three months, the ~~QMHP~~ PRSC shall review each individual and provide an analysis of this review. If needed, ~~the QMHP will call together~~ the appropriate IDT members ~~to~~ will reassess the individual and revise the resident's assessment, assuring the continued accuracy of the assessment.

Section 147.315(b)(2) was changed as follows:

2) Comprehensive functional assessments must be conducted in no case less often than once every twelve (12) months. Assessments are performed ~~or~~ by and obtained ~~for the individual based on the determination of the interdisciplinary team,~~ from the appropriate professional in the following areas:

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Section 147.320 was changed as follows:

The IDT for individuals with mental illness must includes representation from the professions, disciplines or service areas that are relevant to ~~identifying~~ the individual's identified needs as described by the comprehensive functional assessments, and to designing programs that meet the individual's need. The team identifies the treatment needs of the individual and collectively assigns priorities to the individual's needs to develop a single comprehensive ~~care~~ program plan ~~(CCP)~~(CPP).

Section 147.320(a) was changed as follows:

a) The ~~CCP~~ CPP shall be developed with the participation of an IDT comprised of professionals who represent the needs of the individual. The team must, at least, include a ~~Qualified Mental Health Professional (QMHP)~~ physician; a social worker; a Psychiatric Rehabilitation Services Coordinator (PRSC);, a psychiatrist or a Ph.D clinical psychologist or a Master Degree Psychiatric RN; and a registered nurse or an LPN with responsibility for the individual.

Section 147.320 (b) and (c) were changed as follows:

b) The individual or the individual's legal guardian must participate on the team unless the individual's or the legal guardian's inability or unwillingness to participate is documented.

c) Upon request of the individual, ~~T~~the individual's parent~~,guardian~~ or advocate may participate as a member of the IDT. ~~unless the individual desires that they not participate, or participation of the parent, guardian or advocate is unobtainable and efforts to solicit their participation are documented.~~

Sections 147.320 (d) and (f) were changed as follows:

d) ~~The~~ Each individual team members collects data or utilizes previous data from assessments, interprets data, and clearly summarizes and reports findings to the IDT. Each professional team member writes recommendations regarding appropriate program and service goals.

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f) A comprehensive ~~care~~ program plan must be developed within seven days after the completion of the comprehensive functional assessment.

Subsection 147.320 (g) was changed as follows:

g) The ~~CCP~~ CPP shall be signed by ~~the psychiatrist or physician, the nurse with responsibility for the individual, the QMHP~~ all professional IDT members participating in the development of the individual's plan, and ~~where~~ when possible, the individual for whom the plan was developed. ~~There must be documented evidence that the CCP was explained to the individual or guardian for whom the plan was developed.~~

Section 147.320 (h) was added as follows:

h) There must be documented evidence that the CPP was explained to the individual or legal guardian of the individual for whom the plan was developed.

Section 147.325 was changed as follows:

Overview -- Each individual must have a ~~CCP~~ CPP which is composed of goals and objectives established by an IDT. The ~~CCP~~ CPP is developed and modified, as necessary, according to the individual's needs, as identified in the comprehensive functional assessments. The assessment must be reviewed for relevancy and updated as appropriate, at least quarterly by the IDT. The ~~CCP~~ CPP must be reviewed and revised by the IDT after each assessment to assure that the ~~CCP~~ CPP remains relevant and appropriate to meet the needs of the individual.

a) The ~~CCP~~ CPP must address major needs of the individual through a program of individualized services.

~~b) The plan for each individual must state specific goals that are developed by the IDT. The individual's needs must be prioritized, and approaches or programs must be developed with specific goals, to address the higher prioritized needs. If there is a lower priority need which is not being addressed through a specific goal or program, a statement must be made as to why it is not being addressed or how the need will be otherwise addressed.~~

b) The CPP must describe relevant interventions to reduce or stabilize symptoms of the individual's illness and support the individual toward independence.

~~e) For each behavioral and service goal identified in the CCP, the IPT must indicate the appropriate person or staff level responsible for implementing the program or providing the service.~~

c) The plan must be a single comprehensive program designed to meet the needs of the individual across all of the environments in which he/she lives, through consistent program implementation and interventions.

~~d) The plan must be a single comprehensive program designed to meet the needs of the individual across all of the environments in which he/she lives, through consistent program implementation and interventions.~~

d) A discharge plan must be developed by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan addresses the reduction of symptoms and the acquisition of skills necessary for the individual to successfully move into the most facilitative environment.

~~e) Specific program objectives/goals must relate to the data derived from the comprehensive assessments.~~

e) The CPP shall be based upon each resident's assessed functioning level and shall include the following activities, as appropriate for the resident:

1) Self-maintenance training addressing topics such as:

A) Physical functioning;

B) Personal care and hygiene;

C) Grooming;

D) Dressing;

E) Toileting;

F) Nutrition;

G) Speech and Language;

H) Eating habits;

I) Maintenance of personal space and possessions;

J) Health maintenance;

K) Use of medication; and

L) Self-medication program.

2) Social functioning, addressing topics such as:

A) Interaction and involvement with family/significant others;

B) Social skills;

C) Relationships with male and/or female friends;

D) Peer group involvement;

E) Leisure/recreational activities; and

F) Education regarding alcohol and substance abuse.

3) Community living skills addressing topics such as:

A) Homemaking responsibilities;

i) Cleaning,

ii) Laundry,

iii) Meal preparation and service,

iv) Shopping,

v) Financial management,

vi) Using telephone,

B) Use of transportation;

C) Traveling from residence independently;

D) Recognizing and avoiding common dangers; and

E) Use of community services.

4) Work related skills addressing topics such as:

A) Job retention behaviors;

i) Promptness,

ii) Regular attendance,

iii) Relationships with co-workers/supervisors,

iv) Work quality,

v) Work quantity,

vi) Ability to accept, understand and carry out instructions,

B) Job seeking skills;

i) Ability to initiate and schedule own activities,

ii) Ability to seek employment,

iii) Completing an application,

iv) Personal appearance,

v) Communication and interviewing skills,

vi) Ability to set realistic vocational goals,

C) Basic Academic skills; and

D) Alternative vocational placements;

i) Supported employment,

ii) Transitional employment,

iii) Workshop employment,

~~e) The goals must be designed to assist the individual to function at the greatest physical, cognitive, social and vocational level which he/she can presently or potentially achieve.~~

f) The CPP must contain objectives to reach each of the individual's goals in the plan. Each objective:

1) Must be developed by the IDT;

2) Must be based on the results obtained from the assessment process;

3) Must be stated in measurable terms and identify specific performance measures to assess;

4) Must be developed with a projected completion or review date (month, day, year); and

5) Must be assigned a priority based on the individual's functioning level and on principles of sequential skill development.

~~g) The individual must be offered choices of relevant rehabilitation activities which are available to meet their needs. Community-based (off-site) rehabilitation programs should be encouraged.~~

g) The plan for each individual must state specific goals that are developed by the IDT. The individual's needs must be prioritized, and approaches or programs must be developed with specific goals, to address the higher prioritized needs. If there is a lower priority need which is not being addressed through a specific goal or program, a statement must be made as to why it is not being addressed or how the need will be otherwise addressed.

~~h) The CCP must describe relevant interventions to reduce or stabilize symptomatology and support the individual toward independence.~~

h) The goals must be designed to assist the individual to function at the greatest physical, cognitive, social and vocational level which he/she can presently or potentially achieve.

~~i) The CCP shall be based upon each resident's assessed functioning level and shall include the following~~

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activities, as appropriate for the resident;

1) Self-maintenance training addressing topics such as:

A) Physical functioning;

B) Personal care and hygiene;

C) Grooming;

D) Dressing;

E) Toileting;

F) Nutrition;

G) Speech and Language;

H) Eating habits;

I) Maintenance of personal space and possessions;

J) Health maintenance;

K) Use of medication; and

L) Self-medication program.

2) Social functioning, addressing topics such as:

A) Interaction and involvement with family/significant others;

B) Social skills;

C) Relationships with male and/or female friends;

D) Peer group involvement;

E) Leisure/recreational activities; and

F) Education regarding alcohol and substance abuse.

3) Behavior intervention addressing topics such as:

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A) Behavior and impulse control;

B) Reductions of staff interventions while increasing the individual's ability to manage their behaviors unassisted; and

C) Individual and group counseling.

4) Community living skills addressing topics such as:

A) Homemaking responsibilities;

i) Cleaning,

ii) Laundry,

iii) Meal preparation and service,

iv) Shopping,

v) Financial management,

vi) Using telephone,

B) Use of transportation;

C) Traveling from residence independently;

D) Recognizing and avoiding common dangers; and

E) Use of community services.

5) Work related skills addressing topics such as:

A) Job retention behaviors;

i) Tardiness,

ii) Absenteeism,

iii) Relationships with co-workers/supervisors,

iv) Work quality,

v) Work quantity,

vi) Ability to accept, understand and carry out instructions,

~~B) Job-seeking-skills;~~

~~i) Ability-to-initiate-and-schedule-own activities,~~

~~ii) Ability-to-seek-employment,~~

~~iii) Completing-an-application,~~

~~iv) Personal-appearance,~~

~~v) Communication-and-interviewing-skills,~~

~~vi) Ability-to-set-realistic-vocational goals,~~

~~C) Basic-Academic-skills;-and~~

~~D) Alternative-vocational-placements;~~

~~i) Supported-employment,~~

~~ii) Transitional-employment,~~

~~iii)-Workshop-employment,~~

j) Goals must not be so difficult that they cannot be accomplished in a year's time or so simple that they are already in the individual's repertoire.

~~k) The-CCP-must-contain-objectives-to-reach-each-of-the individual's-goals-in-the-plan.--Each-objective:~~

~~1) Must-be-developed-by-the-IDT;~~

~~2) Must-be-based-on-the-results-obtained-from-the-assessment-process;~~

~~3) Must-be-stated-in-measurable-terms-and-identify specific-performance-measures-to-assess;~~

~~4) Must-be-developed-with-a-projected-completion-or review-date-(month,-day,-year);-and~~

~~5) Must-be-assigned-a-priority-based-on-the individual's-functioning-level-and-progression-of needs.~~

k) For each behavioral and service goal identified in the CPP, the IDT must indicate the appropriate person or persons responsible for implementing the program or providing the service.

~~l) The-CCP-must:~~

~~1) Describe-relevant-interventions-to-support-an individual-towards-functioning-as-independently as-possible;~~

~~2) Address-maintenance-and-reinforcement-of-acquired skills-during-non-specific-training-time;-and~~

~~3) Contain-beginning-dates-and-projected-ending dates-for-each-service-or-intervention.~~

l) The individual must be offered choices of relevant rehabilitation activities which are available to meet their needs. Community based (off site) rehabilitation programs should be encouraged.

m) Programs designed to implement the objectives in the resident's ~~CCP~~ CPP must specify:

1) Program goals (long and short term) with rationale for the goals;

2) Specific objectives to meet the individual goals stated sequentially;

3) Planned service or intervention related to accomplishing the objectives including the frequency, quantity and duration of services;

4) The evaluation method to be used to monitor provision of the planned service or intervention;

5) The evaluation criteria used to monitor the expected results of accomplishing the objective;

6) Progress evaluation periods; and

7) Identification of the professional staff responsible for implementing specific parts of the program, and for overall program implementation.

Section 147.325 (n)(3) was changed as follows:

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3) If multiple providers are providing mental health services to the client, one master ~~CCP~~ CPP shall reflect the coordination of goals and services. With written consent from the individual, A a copy of the ~~CCP~~ CPP should be sent to the appropriate providers.

Section 147.325 (o) was changed as follows:

o) ~~CCP~~ CPP Documentation.

1) The individual's response to the ~~CCP~~ CPP and progress toward goals must be documented in progress notes.

2) Significant events that are related to the individual's ~~CCP~~ CPP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, must be documented.

Section 147.325 (p) was changed as follows:

p) ~~CCP~~ CPP Monitoring and Change.

Implementation of the individual's ~~CCP~~ CPP must be supervised by the ~~Qualified Mental Health Professional (QMHP),~~ Psychiatric Rehabilitation Seervices Coordinator (PRSC) on an ongoing basis. At least monthly, the ~~QMHP~~ PRSC must review and ~~summarize~~ document the individual's progress.

1) The ~~QMHP~~ PRSC must review progress to determine if the individual:

A) Has successfully completed an objective(s) as identified in the ~~CCP~~ CPP;

B) Is regressing or losing skills previously gained;

C) Is failing to progress toward identified objectives after reasonable efforts have been made relative to his/her level of functioning and potential; and

D) Has made sufficient progress toward accomplishing an objective and is ready to move toward a new objective.

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2) The ~~QMHP~~ PRSC must ~~evaluate~~ review the progress or lack of progress towards accomplishing program objectives, ~~and determine the need to change the CCP based on the individual's response to programming.~~

3) Based upon this review, ~~T~~the ~~QMHP~~ PRSC must suggest revisions in the ~~CCP~~ CPP, when necessary, to the IDT. If revisions are required, the ~~QMHP~~ IDT will make the revisions in consultation with the psychiatrist or physician, the PRSC, ~~and with~~ the nurse who is responsible for the individual and with the individual.

Section 147.330 was changed as follows:

Psychopharmacologic drugs ~~must~~ may only be ordered by a psychiatrist or physician and, when ordered, must be an integrated part of the resident's individual treatment plan that is designed to lead to a ~~less restrictive~~ the most facilitative way of treating the symptoms for which the drugs are employed.

Section 147.330 (a) was changed as follows:

a) No prescription medication shall be administered except upon the written or verbal order of a psychiatrist or physician.

Section 147.330 (d)(3) was changed as follows:

3) Confirmation that the psychiatrist, physician or nurse has explained in lay terms to the individual and/or the individual's ~~family or~~ legal guardian, the reasons for the treatment, possible benefits and consequences of the medication, and has obtained informed consent for its use.

Section 147.330 (i) was added as follows:

i) Mandatory review of a resident's psychopharmacological medication regime is necessary whenever the individual or his/her legal guardian informs the attending physician of experiencing effects of taking a medication which (s)he finds to be painful, extremely distracting, or which decreases his/her ability to function normally in everyday life. If, after review, the prescribing physician or psychiatrist believes a

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drug to be causing these effects, informed consent for its continued use must be obtained.

Section 147.330 (j) was added as follows:

j) All facility staff should be trained to recognize the symptoms of tardive dyskinesia and any suspected symptoms must be reported immediately to the prescribing physician.

Section 147.340 (a) (b) and (c) were changed as follows:

a) Upon admission, a discharge plan must be developed by the interdisciplinary team as a component of the individual's comprehensive ~~care~~ program plan. This plan addresses the reduction of symptoms and the acquisition of behaviors and skills necessary for the individual to ~~function with as much independence and self-determination as possible to~~ successfully move into ~~a less restrictive~~ the most facilitative environment.

b) Effective October 1, 1990, thirty (30) days before the individual's planned discharge, the ~~QMHP~~ PRSC must notify the individual or the individual's legal representative and, ~~if~~ when appropriate, a the individual's family, ~~member or legal representative~~ both orally and in writing of the upcoming planned discharge. A specific individualized post discharge plan must be developed by the IDT and, when appropriate, with input from community support agencies, family and friends, etc. thirty (30) days before the planned discharge, ~~by the Qualified Mental Health Professional, the psychiatrist or physician and the nurse responsible for the individual.~~ The plan will identify:

c)2) Provide a the post discharge plan of care and discharge summary to the individual's new living environment, to assist in his/her successful adjustment to that environment.

The title of Section 147.345 was changed as follows:

Section 147.345 Reimbursement for Additional Program Costs ~~in Nursing Facilities~~ Associated with Providing Specialized Services for Individuals with Mental Illness in Nursing Facilities

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Section 147.345 (a) (b) and (c) were changed as follows:

a) Nursing facilities (ICF and SNF) providing specialized services to individuals, excluding state operated facilities for the mentally ill, will be reimbursed for providing a specialized services program for each client with mental illness as specified in Sections 147.300 through ~~147.350~~ 147.340.

b) Beginning February 1, 1990, facility reimbursement for cost associated with providing specialized services to individuals with mental illness will be made upon conclusion of resident reviews that are conducted by the state's mental health authority or their contracted agent. Facility reimbursement for providing specialized services as a result of resident reviews concluded prior to February 1, 1990, will begin with the facility's February 1990, billing cycle.

c) ~~Continued facility reimbursement for~~ The additional reimbursement for costs associated with specialized services programs ~~costs~~ is based upon the presence of three (3) determinants. ~~The three determinants will be confirmed and validated during the Inspection of Care (IOC) conducted by Department survey staff. Confirmation and validation procedures will begin with the next scheduled IOC following facility notification by the Department regarding individuals identified to receive specialized services. These procedures will not be initiated less than ninety (90) days following notification.~~ The three (3) determinants are:

Section 147.345 (c)(1)(B) was changed as follows:

B) ~~In addition to meeting the requirements above, the amount~~ The number of additional direct services staff necessary for delivering adequate specialized services programs for individuals with mental illness ~~assumes~~ is based upon a full time equivalent (FTE) staff to client ratio of 1:7.5.

Section 147.345 (c)(2)(A) was changed as follows:

2) ~~Qualified Mental Health Professional Services~~ Psychiatric Rehabilitation Services Coordinator

A) Each individual's specialized services program must be integrated, coordinated and

monitored by a ~~Qualified-Mental-Health Professional-(QMHP)~~ Psychiatric Rehabilitation Services Coordinator (PRSC). Any facility required to provide specialized services programs to individuals with mental illness must provide ~~QMHP~~ PRSC services. ~~at~~ Delivery of these services is based upon a full-time equivalent (FTE) ratio of one (1) ~~QMHP~~ PRSC to thirty (30)individuals being served.

Section 147.345 (c)(2)(B) was changed as follows:

B) A ~~Qualified-Mental-Health-Professional-(QMHP)~~ Psychiatric Rehabilitation Services Coordinator (PRSC) is a person who has at least one year of experience working directly with persons with mental illness and is one of the following:

i) A doctor of medicine or osteopathy;

ii) A registered nurse;

iii) An occupational therapist;

iv) ~~iii)~~ A psychologist; ~~with-at-least-a-master's degree-in-psychology-from-an-accredited school;-or~~

~~iv) An-individual-who-holds-at-least-a bachelor's-degree-in-one-of-the following-professional-categories;-An occupational-therapist-or-occupational therapy-assistant-certified-by-the American-Occupational-Therapy Association-or-other-comparable-body;-A social-worker-with-a-bachelor's-degree from-a-college-or-university-or graduate-degree-from-a-school-of-social work-accredited-or-approved-by-the Council-on-Social-Work-Education-or another-comparable-body;-A-human services-professional-including,-but not-limited-to:--sociology,-special education,-rehabilitation-counseling and-psychology.~~

v) A social worker; or

vi) An individual that has at least a bachelor's degree in a human services field (including, but not limited to, sociology, special education, rehabilitation counseling, and psychology).

Section 147.345 (c)(3)(B) was changed as follows:

B) A Comprehensive Functional Assessment must include:

i) Psychiatric Evaluation completed by a board certified psychiatrist, or when countersigned by a psychiatrist, a physician, a Ph.D. clinical psychologist, a Master Degree Psychiatric RN, or Licensed Clinical Social Worker (LCSW).

ii) Psycho-social history completed by a ~~Qualified~~ Social Worker or ~~a-QMHP~~ an Occupational Therapist.

iii) Level of functioning scale completed ~~under-the-direction-of-and-signed~~ by a ~~Qualified-Mental-Health-Professional-or a-Qualified~~ Social Worker or an Occupational Therapist.

iv) Rehabilitation potential completed ~~under-the-direction-of-and-signed~~ by a ~~Qualified-Mental-Health-Professional-or a-Qualified~~ Social Worker or an Occupational Therapist.

v) Recreation and leisure activities completed ~~under-the-direction-of-the Activity-Director-or~~ by an Occupational Therapist or, under the direction of an Occupational Therapist, by the Activity Director.

vi) Physical examination completed by a physician or by a registered nurse countersigned by a physician.

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vii) Health assessment completed by a registered nurse.

viii) Discharge potential completed ~~under the direction of~~ and signed by a ~~Qualified Mental Health Professional~~ Psychiatric Rehabilitation Services Coordinator or a ~~Qualified~~ Social Worker.

ix) Other assessments performed by qualified professionals, as indicated by the individual's needs, which the IDT's professional judgment dictates, should be performed.

Section 147.345 (d) and (e) was changed as follows:

d) Costs associated with ~~S~~specialized Services program reimbursement includes other program costs, ~~including program-related supplies,~~ such as consultants, inservice training, program-related supplies and other items necessary for the delivery of specialized services to clients in accordance with their individual program plans.

e) Total program ~~add-on~~ reimbursement for the additional cost associated with the delivery of specialized services to individuals with mental illness residing in nursing facilities will be ten dollars ($10) per day, per individual being served. Facility eligibility for specialized services program reimbursement is dependent upon the facility meeting all criteria specified in ~~subsections (e)(1), (2) and (3)~~ 147.300 through 147.345.

The title of Section 147.350 was changed as follows:

Section 147.350 Reimbursement for Additional Program Costs ~~in Nursing Facilities~~ Associated With Facilities Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities

Section 147.350 (c) was changed as follows:

c) ~~Continued facility reimbursement for~~ The additional

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reimbursement for costs associated with active treatment programs ~~costs~~ is based upon the presence of three (3) determinants. ~~The three determinants will be confirmed and validated during the Inspection of Care (IOC) conducted by Department survey staff. Confirmation and validation procedures will begin with the next scheduled IOC following facility notification by the Department regarding individuals identified to receive active treatment. These procedures will not be initiated less than ninety (90) days following notification.~~ The three determinants are:

Section 147.350 (c)(1)(B) was changed as follows:

B) ~~In addition to meeting the requirements above, the amount~~ The number of additional direct services staff necessary for delivering adequate active treatment programs for individuals with developmental disabilities ~~assumes~~ is based upon a full time equivalent (FTE) staff to client ratio of 1:7.5.

Section 147.350 (d)(2)(A) was changed as follows:

A) Each individual's active treatment program must be integrated, coordinated and monitored by a Qualified Mental Retardation Professional (QMRP). Any facility required to provide active treatment programs to individuals with developmental disabilities must provide QMRP services. ~~at a~~ Delivery of these services is based upon a full-time equivalent ratio of one (1) QMRP to thirty (30) individuals being served.

Section 147.350 (c)(3) was changed as follows:

B) A Comprehensive Assessment must include:

~~i) Psychiatric Evaluation completed by a board certified psychiatrist, or when countersigned by a psychiatrist, a physician, a Ph.D. clinical psychologist, a Master Degree Psychiatric RN, or Licensed Clinical Social Worker (LCSW).~~

~~ii) Psycho-social history completed by a~~

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~~Qualified-Social-Worker-or-a-QMRP,~~

~~iii) Level-of-functioning-scale-completed under-the-direction-of-and-signed-by-a Qualified-Mental-Retardation Professional-or-a-Qualified-Social Worker,~~

~~iv) Rehabilitation-potential-completed under-the-direction-of-and-signed-by-a Qualified-Mental-Retardation Professional-or-a-Qualified-Social Worker,~~

~~v) Recreation-and-leisure-activities completed-under-the-direction-of-the Activity-Director-or-Occupational Therapist,~~

~~vi) Physical-examination-completed-by-a physician-or-by-a-registered-nurse countersigned-by-a-physician,~~

~~vii) Health-assessment-completed-by-a-registered-nurse,~~

~~viii) Discharge-potential-completed-under the-direction-of-and-signed-by-a Qualified-Mental-Retardation Professional-or-a-Qualified-Social Worker,~~

~~ix) Other-assessments,-as-indicated-by-the individual's-needs,-which-in-the-IDT's professional-judgment,-should-be performed,~~

i) physical development and health;

ii) dental examination that includes an assessment of oral hygiene practices;

iii) nutritional status;

iv) sensorimotor development/auditory functioning;

v) social development;

vi) speech and language development;

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vii) adaptive behaviors or independent living skills necessary for the individual to be able to function in the community (Scales of Independent Behavior (SIB) or the Inventory for Client and Agency Planning (ICAP) are the assessment instruments that must be used for this assessment);

viii) vocational or educational skills (if applicable);

ix) cognitive development;

x) medication and immunization history;

xi) psychological evaluation (within 5 years) that includes an assessment of the individual's emotional and intellectual status;

xii) capabilities and preferences relative to recreation/leisure activities;

xiii) other assessments indicated by the individual's needs, such as physical and occupational therapy assessments;

xiv) seizure disorder history (if applicable) with information regarding frequency of occurrence and classification; and

xv) screenings (the facility performs or obtains) in the areas of nutrition, vision, auditory and speech/language.

Section 147.350 (d) was changed as follows:

d) Costs associated with Aactive Treatment programs reimbursement includes other program costs such as consultants, inservice training, ~~including program-related-supplies,-consultants~~ and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.

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Section 147.350 (e) was changed as follows:

e) Total program ~~add-on~~ reimbursement for the additional costs associated with the delivery of active treatment to individuals with developmental disabilities residing in nursing facilities will be ten dollars ($10) per day, per individual being served. Facility eligibility for active treatment program reimbursement is dependent upon the facility meeting all criteria specified in ~~subsections (e)(1),-(2)-and-(3)~~ 147.5 through 147.205, 147.350 and 144.25 through 144.250.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
147.5	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.5	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.15	New Section	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.25	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.50	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.50	Amendment	January 25, 1991 (15 Ill. Reg. 870)
147.75	Amendment	December 14, 1990 (14 Ill. Reg. 19653)
147.75	Amendment	January 25, 1991 (15 Ill. Reg. 870)

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Section Numbers	Proposed Action	Illinois Register Citation
147.250	New Section	April 13, 1990 (14 Ill. Reg. 5434)
147.250	New Section	September 21, 1990 (14 Ill. Reg. 15243)
147.Table A	Amendment	April 13, 1990 (14 Ill. Reg. 15243)
147.Table C	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table D	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table E	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table F	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table G	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table H	New Section	January 25, 1991 (15 Ill. Reg. 870)
147.Table I	New Section	January 25, 1991 (15 Ill. Reg. 870)

15) Summary and Purpose of Adopted Amendments: This rulemaking allows the Department to reimburse nursing facilities for specialized services provided residents.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Jesse B. Harris Building II
100 South Grand Avenue East
Springfield, Illinois 62762-0001

Telephone: (217) 782-1233

The full text of the Adopted Amendments begin on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section
147.5 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.25 Functional Needs and Restorative Care
147.50 Service Needs
147.75 Definitions
147.100 Reconsiderations
147.105 Midnight Census Report
147.125 Times and Staff Levels
147.150 Statewide Rates
147.175 Referrals
147.200 Basic Rehabilitation Aide Training Program
147.205 Nursing Rates
147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987
147.300 Determination of Program (Specialized Services) Costs
147.305 Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
147.315 Comprehensive Functional Assessments and Reassessments
147.320 Interdisciplinary Team (IDT)
147.325 Comprehensive Care Plan (CCP)
147.330 Specialized Care - Administration of Psychopharmacologic Drugs
147.335 Specialized Care - Behavioral Emergencies
147.340 Discharge Planning
147.345 Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
147.350 Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities
TABLE A Staff Time and Allocation by Need Level
TABLE B Staff Time and Allocation for Restorative Programs

AUTHORITY: Implementing Article III of the Illinois Health

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Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 147.300 Determination of Program (Specialized Services) Costs

a) The Department reimburses residential facilities for program costs associated with the delivery of specialized services to individuals with mental illness, according to information obtained during each facility's most recent Inspection of Care (IOC) review conducted by Department staff. The category of facilities which is affected by Sections 147.300 through 147.350 is nursing facilities (NF) with at least one individual with mental illness determined to require specialized services. IOC review assessments of 100% of the Medicaid residents are conducted in these facilities every twelve (12) months. Total program reimbursement determination is based upon IOC review criteria specified in Sections 147.5 through 147.350.

Agency Note: Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit the admission of an individual who is mentally ill into

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Section 147.300 Determination of Program (Specialized Services) Costs (Cont'd.)

nursing facilities on or after January 1, 1989, unless the state mental health authority has determined that this level of service is required. However, if an individual does not require nursing facility services, but does require active treatment, and the individual has resided in the facility for thirty (30) continuous months or longer, and the resident chooses to remain in the facility, specialized services must be provided by the facility and reimbursement will be made by the Department as determined by IOC assessments.

b) Reimbursement for services under Sections 147.300 through 147.350 does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous specialized services program.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.305 Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities

a) Facilities serving individuals with mental illness must provide a continuous specialized service Program for each individual as required by Section 1919(e)(7)(C)(i) of the Social Security Act (42 U.S.C. 1396r). This program is directed toward:

1) The acquisition of behaviors and skills necessary to reach the highest practical functional level of self-determination and independence in the areas of self-maintenance, social functioning, community living activities, and work related skills; and

2) The reduction of residual psychiatric symptoms with the Prevention or deceleration of regression or loss of current optimal functional status.

b) The specialized service program for each individual must be delivered through the implementation of a Comprehensive Program Plan (CPP) consisting of interventions and services which are designed to meet the individual's needs with continuity across all of

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Section 147.305 Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities (Cont'd.)

the environments in which the individual lives. The CPP is a plan where specialized services programming and interventions are consistently implemented throughout the day, regardless of the individual's whereabouts.

c) The CPP must be developed by an Interdisciplinary Team (IDT) that includes the individual, and the professions, disciplines or service areas that are relevant to identifying and prioritizing the individual's needs, and designing programs to address the identified needs.

d) The facility must have qualified professionals available to develop, implement and monitor the various programs designed to address each individual's identified needs.

1) Qualified professional staff must be licensed, certified, or registered, as applicable, to provide professional services by the State of Illinois.

A) A doctor of medicine or osteopathy is licensed pursuant to the Medical Practices Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

B) A registered nurse is licensed pursuant to the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

C) An occupational therapist is registered pursuant to the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

D) A psychologist is registered pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

E) A social worker is licensed pursuant to the Clinical Social Work and Social Work Practices Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.).

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Section 147.305 Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities (Cont'd)

F) A rehabilitation counselor shall be certified by the Commission on Rehabilitation Counselors Certification.

e) Each individual's specialized service program must be integrated, coordinated and monitored by a Psychiatric Rehabilitation Services Coordinator (PRSC), identified as an individual who meets one of the following criteria and in addition has a minimum of one year of experience working directly with persons with mental illness:

1) A doctor of medicine or osteopathy;

2) A registered nurse;

3) An occupational therapist;

4) A psychologist;

5) A social worker; or

6) An individual that has at least a bachelor's degree in a human services field (including, but not limited to: sociology, special education, rehabilitation counseling and psychology).

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness

a) Medicaid certified facilities serving individuals with mental illness are required to address the needs of each individual through a continuous specialized service program. The Interdisciplinary Team (IDT) is a key component in a facility's ability to develop an appropriate program of specialized services for each individual in residence. The responsibility for the composition and quality of the IDT rests solely with the licensed provider. Further, a facility is fully

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Section 147.310 Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness (Cont'd.)

responsible for ensuring the delivery of all services as set forth in Sections 147.25 through 147.205, which are deemed necessary by the IDT in the specialized services program for each individual.

b) The Inspection of Care review criteria, are used to assess facility performance in meeting the variable needs of individuals with mental illness through individualized programs of specialized services. The criteria identified in these sections constitute the essential elements of specialized services.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.315 Comprehensive Functional Assessments and Reassessments

a) Comprehensive Assessments

The interdisciplinary team (IDT) must identify the individual's needs by performing a comprehensive functional assessment as needed to supplement any preliminary evaluation conducted prior to admission to a residential facility. Assessments must be coordinated by a Psychiatric Rehabilitation Services Coordinator (PRSC).

1) A comprehensive functional assessment must be administered by the IDT no later than fourteen (14) days after admission to a residential facility or notification from the Department that a current resident has been identified as being in need of specialized services. On or after October 1, 1990, a comprehensive functional assessment must be administered no later than four (4) days after admission or notification. Reports from the Pre-admission screening assessment may be used as part of the comprehensive functional assessment if the assessment reflects the current condition of the individual. The assessment must include:

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Section 147.315 Comprehensive Functional Assessments and Reassessments (Cont'd.)

A) Psychiatric Evaluation completed by a board certified psychiatrist, or when countersigned by a psychiatrist, a physician, a Ph.D. clinical Psychologist, a Master Degree Psychiatric RN, or a Licensed Certified Social Worker (LCSW). The evaluation shall include:

i) Psychiatric history with present and previous psychiatric symptoms;

ii) Comprehensive mental status examination, which includes: a description of intellectual functioning, memory functioning, orientation, affect, suicidal/homicidal ideation, response to reality testing, and current attitudes and overt behaviors; and

iii) Diagnostic formulation, using the Diagnostic Statistical Manual III (Revised).

B) Psychosocial history completed by a Social Worker or Occupational Therapist covering the following Points:

i) Personal and family history including the history of mental illness in the family;

ii) Cognitive functioning (attention, memory, information attitudes), perceptual disturbances, thought content, speech, and affect; and an estimation of the ability and willingness to participate in treatment;

iii) History of mental health treatment;

iv) Present level of functioning including social adjustment and daily living skills;

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Section 147.315 Comprehensive Functional Assessments and Reassessments (Cont'd)

v) Legal status (e.g., guardianship, representative payee, trust beneficiary, pending court order);

vi) Level of education and/or specialized training;

vii) Previous employment and/or acquired vocational skills, if applicable;

viii) Activities and interests;

ix) History and/or current alcohol/chemical dependency;

x) Resource availability (e.g., income entitlements, health care benefits, subsidized housing, social services, etc.);

xi) Current living arrangements and existing natural support network.

C) Level of Functioning Scale completed by a Social Worker or an Occupational Therapist.

D) Rehabilitation potential completed by a Social Worker, an Occupational Therapist or a Certified Rehabilitation Counselor.

E) Recreation and leisure activities completed by an Occupational Therapist or, under the direction of an Occupational Therapist, by the Activity Director (77 Ill. Adm. Code 300.1410(c)).

F) Physical examination completed by a physician or by a registered nurse countersigned by a physician.

G) Health assessment completed by a registered nurse which includes:

i) Sensory and physical impairments completed by a physician or by a

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Section 147.315 Comprehensive Functional Assessments and Reassessments (Cont'd)

registered nurse and countersigned by a physician;

ii) Special treatments or procedures;

iii) Medical history where appropriate;

iv) Medication history where appropriate;

v) Oral screening; and

vi) Nutritional screening.

H) Discharge potential completed by a Psychiatric Rehabilitation Services Coordinator or a Qualified Social Worker.

I) Other assessments, as indicated by the individual's needs, which in the IDT's professional judgment, should be performed.

2) The comprehensive functional assessment must be used to develop a comprehensive program plan which:

A) Addresses presenting problems and areas of need;

B) Identifies the individual's specific functional strengths and deficits;

C) Addresses the reduction of symptoms and the acquisition of skills necessary for the individual to successfully move into the most facilitative environment; and

D) Identifies the individual's need for services without regard to the current availability of the services.

b) Reassessments

1) At least every three months, the PRSC shall review each individual and provide an analysis of this review. If needed, the appropriate IDT members will reassess the individual and revise

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Section 147.315 Comprehensive Functional Assessments and Reassessments (Cont'd)

the resident's assessment, assuring the continued accuracy of the assessment.

2) Comprehensive functional reassessments must be conducted in no case less often than once every twelve (12) months. Assessments are performed by and obtained from the appropriate professional in the following areas:

A) Psychiatric evaluation;

B) Psychosocial history;

C) Level of functioning scale;

D) Rehabilitation potential;

E) Recreation and leisure activities;

F) Physical examination;

G) Health assessment; and

H) Other assessments needed and performed, as determined by the interdisciplinary team.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.320 Interdisciplinary Team (IDT)

The IDT for individuals with mental illness must include representation from the professions, disciplines or service areas that are relevant to the individual's identified needs as described by the comprehensive functional assessments, and to designing programs that meet the individual's need. The team identifies the treatment needs of the individual and collectively assigns priorities to the individual's needs to develop a single comprehensive program plan (CPP).

a) The CPP shall be developed with the participation of an IDT comprised of professionals who represent the needs of the individual. The team must, at least, include a physician; a social worker; a Psychiatric Rehabilitation Services Coordinator (PRSC); a

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Section 147.320 Interdisciplinary Team (IDT) (Cont'd.)

psychiatrist or a Ph.D clinical psychologist or a Master Degree Psychiatric RN and a registered nurse or a LPN with responsibility for the individual.

b) The individual or the individual's legal guardian must participate on the team unless the individual's or the legal guardian;s inability or unwillingness to participate is documented.

c) Upon request of the individual, the individual's parent or advocate may participate as a member of the IDT.

d) Each individual team member collects data or utilizes previous data from assessments, interprets data, and clearly summarizes and reports findings to the IDT. Each professional team member writes recommendations regarding appropriate program and service goals.

e) The team integrates data from the comprehensive assessments and prioritizes treatment goals and programs.

f) A comprehensive program plan must be developed within seven days after the completion of the comprehensive functional assessment.

g) The CPP shall be signed by all Professional IDT members participating in the development of the individual's plan, and when possible, the individual for whom the plan was developed.

h) There must be documented evidence that the CPP was explained to the individual or legal guardian of the individual for whom the Plan was developed.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.325 Comprehensive Care Plan (CCP)

Overview -- Each individual must have a CPP which is composed of goals and objectives established by an IDT. The CPP is developed and modified, as necessary, according to the individual's needs, as identified in the comprehensive

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd.)

functional assessments. The assessment must be reviewed for relevancy and updated as appropriate, at least quarterly by the IDT. The CPP must be reviewed and revised by the IDT after each assessment to assure that the CPP remains relevant and appropriate to meet the needs of the individual.

a) The CPP must address major needs of the individual through a program of individualized services.

b) The CPP must describe relevant interventions to reduce or stabilize symptoms of the individual's illness and support the individual toward independence.

c) The plan must be a single comprehensive program designed to meet the needs of the individual across all of the environments in which he/she lives, through consistent program implementation and interventions.

d) A discharge plan must be developed by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan addresses the reduction of symptoms and the acquisition of skills necessary for the individual to successfully move into the most facilitative environment.

e) The CPP shall be based upon each resident's assessed functioning level and shall include the following activities, as appropriate for the resident:

1) Self-maintenance training addressing topics such as:

A) Physical functioning;

B) Personal care and hygiene;

C) Grooming;

D) Dressing;

E) Toileting;

F) Nutrition;

G) Speech and Language;

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd.)

H) Eating habits;

I) Maintenance of personal space and possessions;

J) Health maintenance;

K) Use of medication; and

L) Self-medication program.

2) Social functioning, addressing topics such as:

A) Interaction and involvement with family/significant others;

B) Social skills;

C) Relationships with male and/or female friends;

D) Peer group involvement;

E) Leisure/recreational activities; and

F) Education regarding alcohol and substance abuse.

3) Community living skills addressing topics such as:

A) Homemaking responsibilities;

i) Cleaning,

ii) Laundry,

iii) Meal preparation and service,

iv) Shopping,

v) Financial management,

vi) Using telephone,

B) Use of transportation;

C) Traveling from residence independently;

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd)

D) Recognizing and avoiding common dangers; and

E) Use of community services.

4) Work related skills addressing topics such as:

A) Job retention behaviors;

i) Promptness,

ii) Regular attendance,

iii) Relationships with co-workers/supervisors,

iv) Work quality,

v) Work quantity,

vi) Ability to accept, understand and carry out instructions,

B) Job seeking skills;

i) Ability to initiate and schedule own activities,

ii) Ability to seek employment,

iii) Completing an application,

iv) Personal appearance,

v) Communication and interviewing skills,

vi) Ability to set realistic vocational goals,

C) Basic Academic skills; and

D) Alternative vocational placements;

i) Supported employment,

ii) Transitional employment,

iii) Workshop employment,

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd)

f) The CPP must contain objectives to reach each of the individual's goals in the plan. Each objective:

1) Must be developed by the IDT;

2) Must be based on the results obtained from the assessment process;

3) Must be stated in measurable terms and identify specific performance measures to assess;

4) Must be developed with a projected completion or review date (month, day, year); and

5) Must be assigned a priority based on the individual's functioning level and on principles of sequential skill development.

g) The plan for each individual must state specific goals that are developed by the IDT. The individual's needs must be prioritized, and approaches or programs must be developed with specific goals, to address the higher prioritized needs. If there is a lower priority need which is not being addressed through a specific goal or program, a statement must be made as to why it is not being addressed or how the need will be otherwise addressed.

h) The goals must be designed to assist the individual to function at the greatest physical, cognitive, social and vocational level which he/she can presently or potentially achieve.

i) Goals must not be so difficult that they cannot be accomplished in a year's time or so simple that they are already in the individual's repertoire.

j) For each behavioral and service goal identified in the CPP, the IDT must indicate the appropriate person or persons responsible for implementing the program or providing the service.

k) The individual must be offered choices of relevant rehabilitation activities which are available to meet their needs. Community based (off site) rehabilitation programs should be encouraged.

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd)

l) Programs designed to implement the objectives in the resident's CPP must specify:

1) Program goals (long and short term) with rationale for the goals;

2) Specific objectives to meet the individual goals stated sequentially;

3) Planned service or intervention related to accomplishing the objectives including the frequency, quantity and duration of services;

4) The evaluation method to be used to monitor provision of the Planned service or intervention;

5) The evaluation criteria used to monitor the expected results of accomplishing the objective;

6) Progress evaluation periods; and

7) Identification of the professional staff responsible for implementing specific parts of the program, and for overall program implementation.

m) CCP Implementation.

1) A single CCP must be developed and implemented for each individual.

2) Services relevant to the CCP must be provided to implement the CCP. Programs must be integrated into the individual's daily life so that he/she receives a continuous specialized service program across all environments.

3) If multiple providers are providing mental health services to the client, one master CPP shall reflect the coordination of goals and services. With written consent from the individual, a copy of the CPP shall be sent to the appropriate providers.

4) Program interventions to the extent practical shall be delivered in a natural context during normal, daily occurrences. Specific objectives

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd)

and services/interventions should be integrated into activities which occur naturally in the individual's environment.

n) CPP Documentation.

1) The individual's response to the CPP and progress toward goals must be documented in progress notes.

2) Significant events that are related to the individual's CPP, and assessments that contribute to an overall understanding of his/her ongoing level and quality of functioning, must be documented.

o) CPP Monitoring and Change.

Implementation of the individual's CPP must be supervised by the Psychiatric Rehabilitation Services Coordinator (PRSC) on an ongoing basis. At least monthly, the PRSC must review and document the individual's progress.

1) The PRSC must review progress to determine if the individual:

A) Has successfully completed an objective(s) as identified in the CPP;

B) Is regressing or losing skills previously gained;

C) Is failing to progress toward identified objectives after reasonable efforts have been made relative to his/her level of functioning and potential; and

D) Has made sufficient progress toward accomplishing an objective and is ready to move toward a new objective.

2) The PRSC must review the progress or lack of progress towards accomplishing program objectives.

3) Based upon this review, the PRSC must suggest revisions in the CPP, when necessary, to the IDT. If revisions are required, the IDT will

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Section 147.325 Comprehensive Care Plan (CCP) (Cont'd)

make the revisions in consultation with the psychiatrist or physician, the PRSC, the nurse who is responsible for the individual and with the individual.

4) The QMHP coordinates staff in the delivery of programs, oversees data collection, and reviews performance.

p) CCP Outcome.

The outcome of the current CCP provides a measure of how well the program of specialized services has moved the individual closer to his/her optimum individual, social, community and vocational functioning.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1990)

Section 147.330 Specialized Care - Administration of Psychopharmacologic Drugs

Psychopharmacologic drugs may only be ordered by a psychiatrist or physician and, when ordered, must be an integrated part of the resident's individual treatment plan that is designed to lead to the most facilitative way of treating the symptoms for which the drugs are employed.

a) No prescription medication shall be administered except upon the written or verbal order of a psychiatrist or physician.

1) Verbal orders may be given only to a licensed nurse, pharmacist or another physician. The individual receiving a verbal order must record and sign it immediately.

2) Verbal orders for Schedule II drugs are permitted only in the case of a bona fide emergency situation. Two PRNs within a six (6) month period will require a medical review.

3) Verbal orders must be confirmed in writing by the ordering physician within seventy-two (72) hours.

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Section 147.330 Specialized Care - Administration of Psychopharmacologic Drugs (Cont'd)

4) All prescriptions may not be written for more than a ninety (90) day period.

b) At least every month, the psychiatrist or physician shall review the psychopharmacologic drug regimen of each individual under his/her care.

c) The nursing facility shall establish automatic stop order procedures or other methods for controlling medication dosage when the prescribing physician fails to review the drug regimen, fails to confirm verbal orders or does not include in the order, a specific limit on the time or number of doses. The facility must notify the prescribing physician of this action prior to the expiration date of the medication.

d) Before a psychopharmacologic medication is prescribed, the attending psychiatrist or physician shall record in the resident's medical record the following information:

1) The diagnosis and the specific behaviors or other signs and symptoms which indicate a need for the medication, and assurance that appropriate laboratory tests are performed on a regular basis and analyzed;

2) The method for assessing the resident's progress or response to the treatment, including adverse effects; and

3) Confirmation that the psychiatrist, physician or nurse has explained in lay terms to the individual and/or the individual's legal guardian, the reasons for the treatment, possible benefits and consequences of the medication, and has obtained informed consent for its use.

e) Administration of psychopharmacologic medication

1) During the course of the administration of psychopharmacologic medication, the nursing facility shall ensure that the resident's progress or response to the treatment, including adverse effects, are monitored and recorded.

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Section 147.330 Specialized Care - Administration of Psychopharmacologic Drugs (Cont'd)

2) Pursuant to this requirement, the nursing facility shall ensure that appropriate persons responsible for the resident's physical, mental, psychosocial care and other treatment are trained as to the potential effects of the medication and record their observations of these effects, including effects of the resident's progress in habilitation and education programs and participation in other activities.

f) Repeated administration of a psychopharmacologic medication, including substitution of medication of the same class, shall never cumulatively exceed one year without the attending psychiatrist or physician effecting a carefully monitored gradual withdrawal of the medication, where appropriate. This periodic drug withdrawal shall be used to determine the need for continuing the medication and the prescribed dosage. During such withdrawal, the results shall be noted in the resident's medical record. Withdrawal should proceed as long as the resident's condition has not worsened.

g) The attending psychiatrist or physician shall undertake or order an immediate review of a resident's psychopharmacologic medication regimen when any pharmacist, physician, or nurse states in writing, with reasons therefore, to the attending psychiatrist or physician with experience in psychiatric care that such regimen constitutes a hazard of serious adverse effects not warranted by therapeutic benefit to the residents. Special attention shall be paid to the following medication regimens:

1) Concurrent use of more than one anti-psychotic medication or concurrent use of an anti-psychotic medication with an anti-anxiety or anti-depressant medication;

2) Use of any anti-convulsive or anti-Parkinson medication in the absence of current indications that the resident suffers from convulsions or Parkinson-like effect;

3) Use of any anti-psychotic medication in the

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Section 147.330 Specialized Care - Administration of Psychopharmacologic Drugs (Cont'd)

presence of evidence of side effects, such as tardive dyskinesia.

h) Any individual taking a neuroleptic must be screened for tardive dyskinesia every six months. The screening may be conducted by a nurse or physician using any recognized screening instrument. The results of the screening must be documented in the individuals file and reviewed by the prescribing physician.

i) Mandatory review of a resident's psychopharmacological medication regime is necessary whenever the individual or his/her legal guardian informs the attending physician of experiencing effects of taking a medication which (s)he finds to be painful, extremely distracting, or which decreases his/her ability to function normally in everyday life. If, after review, the prescribing physician or psychiatrist believes a drug to be causing these effects, informed consent for its continued use must be obtained.

j) All facility staff should be trained to recognize the symptoms of tardive dyskinesia and any suspected symptoms must be reported immediately to the prescribing physician.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.335 Specialized Care - Behavioral Emergencies

a) There shall be written policies which are followed in the operation of the facility regarding behavior emergencies and the use of restraints.

1) The facility shall develop progressively restrictive levels of behavior intervention that create an incremental approach toward responding to various behavioral emergencies involving residents.

2) The facility shall respond to a given behavior emergency by using the least restrictive method

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Section 147.335 Specialized Care - Behavioral Emergencies (Cont'd.)

possible that will protect the health and safety of the resident and other residents.

3) When a facility's response to a behavioral emergency does not utilize a lower level of intervention prior to instituting a higher level, the facility shall document in the resident's record why the more restrictive measures are used.

b) The facility shall not confine a resident to a room unattended nor in a manner that prohibits the resident from egressing from that room.

c) When a disturbed or unmanageable resident is separated from the adverse stimuli related to the situation that is occurring, the facility shall record in the resident's record the events and the reasons for removing the resident from the situation.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.340 Discharge Planning

a) Upon admission, a discharge plan must be developed by the interdisciplinary team as a component of the individual's comprehensive program plan. This plan addresses the reduction of symptoms and the acquisition of behaviors and skills necessary for the individual to the most facilitative environment.

b) Effective October 1, 1990, thirty (30) days before the individual's planned discharge, the PRSC must notify the individual or the individual's legal representative and, when appropriate, the individual's family, both orally and in writing of the upcoming planned discharge. A specific individualized post discharge plan must be developed by the IDT and, when appropriate, with input from community support agencies, family and friends, etc. thirty (30) days before the planned discharge. The plan will identify:

1) The alternative living site.

2) Financial resources available.

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Section 147.340 Discharge Planning (Cont'd.)

3) Community service needs and availability.

4) Community mental health services with scheduled psychiatric appointments.

5) Access to medical care and medications.

6) Case management system responsible for transition and follow-up.

c) At the time of discharge, the IDT must:

1) Have prepared a discharge summary of the individual's present psychiatric status, self-maintenance skills, behavior and impulse control, social functioning, community living skills, work and work-related skills and general health status, as well as indicating specific issues that may negatively impact community adjustment, with recommendations for future programming and follow-up services; and

2) Provide the post discharge plan of care and discharge summary to the individual's new living environment, to assist in his/her successful adjustment to that environment.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

Section 147.345 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Mental Illness in Nursing Facilities

a) Nursing facilities (ICF and SNF) Providing specialized services to individuals, excluding state operated facilities for the mentally ill, will be reimbursed for providing a specialized services Program for each client with mental illness as specified in Sections 147.300 through 147.340.

b) Beginning February 1, 1990, facility reimbursement for cost associated with providing specialized services to individuals with mental illness will be made upon conclusion of resident reviews that are conducted by the state's mental health authority or their

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Section 147.345 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Mental Illness in Nursing Facilities (Cont'd.)

contracted agent. Facility reimbursement for providing specialized services as a result of resident reviews concluded Prior to February 1, 1990, will begin with the facility's February 1990, billing cycle.

c) The additional reimbursement for costs associated with for specialized services program costs is based upon the presence of three (3) determinants. The three (3) determinants are:

1) Minimum Staffing

A) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.201 or 42 CFR 442.302 (1989)) and the Illinois Department of Public Health's (IDPH) (77 Ill. Adm. Code 300.1230) minimum staffing standards relative to facility type.

B) The number of additional direct services staff necessary for delivering adequate specialized services programs for individuals with mental illness is based upon a full time equivalent (FTE) staff to client ratio of 1:7.5.

2) Psychiatric Rehabilitation Services Coordinator

A) Each individual's specialized services program must be integrated, coordinated and monitored by a Psychiatric Rehabilitation Services coordinator (PRSC). Any facility required to provide specialized services programs to individuals with mental illness must provide PRSC services. Delivery of these services is based upon a full-time equivalent (FTE) ratio of one (1) PRSC to thirty (30) individuals being served.

B) Psychiatric Rehabilitation Services Coordinator (PRSC) is a person who has at least one year of experience working directly with persons with mental illness

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Section 147.345 Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness (Cont'd)

and is one of the following:

i) A doctor of medicine or osteopathy;

ii) A registered nurse;

iii) An occupational therapist;

iv) A psychologist;

v) A social worker; or

vi) An individual that has at least a bachelor's degree in a human services field (including, but not limited to, sociology, special education, rehabilitation counseling, and psychology).

3) Assessment and Other Program Services

A) A comprehensive functional assessment that identifies an individual's needs must be performed as needed to supplement any preliminary evaluations conducted prior to admission to a nursing facility.

B) A Comprehensive Functional Assessment must include:

i) Psychiatric Evaluation completed by a board certified psychiatrist, or when countersigned by a psychiatrist, a physician, a Ph.D. clinical psychologist, a Master Degree Psychiatric RN, or Licensed Clinical Social Worker (LCSW).

ii) Psycho-social history completed by a Social Worker or an Occupational Therapist.

iii) Level of functioning scale completed by a Social Worker or an Occupational Therapist.

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Section 147.345 Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness (Cont'd)

iv) Rehabilitation potential completed by a Social Worker or an Occupational Therapist.

v) Recreation and leisure activities completed by an Occupational Therapist,by the Activity Director.

vi) Physical examination completed by a physician or by a registered nurse countersigned by a physician.

vii) Health assessment completed by a registered nurse.

viii) Discharge potential completed and signed by a Psychiatric Rehabilitation Services Coordinator or a Social Worker.

ix) Other assessments, performed by qualified professionals, as indicated by the individual's needs, which the IDT's Professional judgment dictates, should be performed.

d) Costs associated with specialized Services program reimbursement includes other program costs, such as consultants, inservice training, program-related supplies and other items necessary for the delivery of specialized services to clients in accordance with their individual program plans.

e) Total program reimbursement for the additional cost associated with the delivery of specialized services to individuals with mental illness residing in nursing facilities will be ten dollars ($10) per day, per individual being served. Facility eligibility for specialized services program reimbursement is dependent upon the facility meeting all criteria specified in Sections 147.300 through 147.345.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

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NOTICE OF ADOPTED AMENDMENTS

Section 147.350 Reimbursement for Additional Program Costs Associated With Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities

a) Nursing facilities (ICF and SNF) providing active treatment to individuals with developmental disabilities, excluding state operated facilities for the developmentally disabled, will be reimbursed for providing an active treatment program for each client with developmental disabilities as specified in 89 Ill. Adm. Code 144.50 through 144.250

b) Beginning February 1, 1990, facility reimbursement for providing active treatment to individuals with developmental disabilities will be made upon conclusion of resident reviews that are conducted by the state's mental health authority or their contracted agent. Facility reimbursement for providing active treatment services as a result of resident reviews concluded prior to February 1, 1990, will begin with the facility's February billing cycle.

c) The additional reimbursement for costs associated with active treatment programs is based upon the presence of three (3) determinants. The three determinants are:

1) Minimum Staffing

A) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 442.201 or 42 CFR 442.302 (1989)) and the Illinois Department of Public Health's (IDPH) (77 Ill. Adm. Code 300.1230) minimum staffing standards relative to facility type.

B) The number of additional direct services staff necessary for delivering adequate active treatment programs for individuals with developmental disabilities is based upon a full time equivalent (FTE) staff to client ratio of 1:7.5.

2) Qualified Mental Retardation Professional Services

A) Each individual's active treatment program must be integrated, coordinated and monitored by a Qualified Mental Retardation

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Section 147.350 Reimbursement for Additional Program Costs Associated With Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities (Cont'd.)

Professional (QMRP). Any facility required to provide active treatment programs to individuals with developmental disabilities must provide QMRP services. Delivery of these services is based upon a full-time equivalent ratio of one (1) QMRP to thirty (30) individuals being served.

B) A Qualified Mental Retardation Professional (QMRP) is a person who has at least one year of experience working directly with persons with mental retardation and is one of the following:

i) A doctor of medicine or osteopathy;

ii) A registered nurse;

iii) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Occupational Therapy Assistant, Physical Therapist, Physical Therapy Assistant, Psychologist, Master's Degree; Social Worker; Speech-Language Pathologist or Audioligist; Recreation Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology (42 CFR 483.430(1989)).

3) Assessment and Other Program Services

A) A comprehensive functional assessment that identifies an individual's needs must be performed as needed to supplement any preliminary evaluations conducted prior to admission to a nursing facility.

B) A Comprehensive Assessment must include:

i) physical development and health;

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Section 147.350 Reimbursement for Additional Program Costs Associated With Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities (Cont'd)

ii) dental examination that includes an assessment of oral hygiene practices;

iii) nutritional status;

iv) sensorimotor development/auditory functioning;

v) social development;

vi) speech and language development;

vii) adaptive behaviors or independent living skills necessary for the individual to be able to function in the community (Scales of Independent Behavior (SIB) or the Inventory for Client and Agency Planning (ICAP) are the assessment instruments that must be used for this assessment);

viii) vocational or educational skills (if applicable);

ix) cognitive development;

x) medication and immunization history;

xi) psychological evaluation (within 5 years) that includes an assessment of the individual's emotional and intellectual status;

xii) capabilities and preferences relative to recreation/leisure activities;

xiii) other assessments indicated by the individual's needs, such as physical and occupational therapy assessments;

xiv) seizure disorder history (if applicable) with information regarding frequency of occurrence and classification; and

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Section 147.350 Reimbursement for Additional Program Costs Associated With Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities (Cont'd)

xv) screenings (the facility performs or obtains) in the areas of nutrition, vision, auditory and speech/language.

d) Costs associated with active Treatment programs reimbursement includes other program costs such as consultants, inservice training, and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.

e) Total program reimbursement for the additional costs associated with the delivery of active treatment to individuals with developmental disabilities residing in nursing facilities will be ten dollars ($10) per day, per individual being served. Facility eligibility for active treatment program reimbursement is dependent upon the facility meeting all criteria specified in Sections 147.5 through 147.205, 147.350 and 144.25 through 144.250.

(Source: Added at 15 Ill. Reg. 3058, effective February 5, 1991)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) Heading of Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Nos.: Peremptory Action:

125.260	Amended
125.380	Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Reg. Stat. 1989), ch. 56 1/2, par. 316); the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 56 FR 1359 (1991).

5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 316).

6) Effective Date: September 3, 1991

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, amendments to the federal meat and poultry inspection rules are being adopted.

The Food Safety and Inspection Service has extended the effective date of the amendatory rules which pertained to "Ingredients that may be designated as natural flavors, natural flavorings, flavors or flavorings when used in meat or poultry products." The new effective date is September 3, 1991. The extension of this date will give the regulated industry time for label revisions and to obtain approvals of those labels.

The extension of the effective date should not create any additional economic impact on the regulated public.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: February 5, 1991

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10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes 15 Ill. Reg. 1574 (February 1, 1991); proposed amendment to each of the following Sections: 125.10, 125.30, 125.40, 125.50, 125.60, 125.80, 125.90, 125.100, 125.110, 125.120, 125.130, 125.140, 125.150, 125.160, 125.170, 125.180, 125.190, 125.200, 125.210, 125.220, 125.230, 125.240, 125.250, 125.260, 125.270, 125.280, 125.290, 125.300, 125.305, 125.310, 125.320, 125.330, 125.340, 125.350, 125.360, 125.370, 125.380, 125.390, 125.400, 125.410

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:
Name: Donna Garman
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/785-0112

The full text of the Peremptory amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section
125.10 Definitions
125.20 Incorporation by Reference of Federal Rules
125.30 Application for License; Approval
125.40 Official Number
125.50 Inspections; Suspension or Revocation of License
125.60 Administrative Hearings; Appeals
125.70 Assignment and Authority of Program Employees
125.80 Schedule of Operations; Overtime
125.90 Official Marks of Inspection, Devices and Certificates
125.100 Records and Reports
125.110 Exemptions
125.120 Disposal of Dead Animals and Poultry
125.130 Reportable Animal and Poultry Diseases
125.140 Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section
125.150 Livestock and Meat Products Entering Official Establishments
125.160 Equine and Equine Products
125.170 Facilities for Inspection
125.180 Sanitation
125.190 Ante-Mortem Inspection
125.200 Post-Mortem Inspection
125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220 Humane Slaughter of Animals
125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250 Marking Products and Their Containers
125.260 Labeling, Marking and Containers
125.270 Entry into Official Establishment; Reinspection and Preparation of Product

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125.280 Meat Definitions and Standards of Identity or Composition
125.290 Transportation
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310 Application of Inspection
125.320 Facilities for Inspection
125.330 Sanitation
125.340 Operating Procedures
125.350 Ante-Mortem Inspection
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380 Labeling and Containers
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400 Definitions and Standards of Identity or Composition
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22 1986; peremptory amendment at 10

Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991.

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1984; 49 FR 4715, effective

Feb. 8, 1984; 49 FR 18998, effective June 3, 1984; 49 FR 2335, effective July 17, 1984; 50 FR 19903, effective July 12, 1985; 50 FR 21420, effective June 24, 1985; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 53 FR 7493, effective April 8, 1988; 53 FR 28634, effective August 29, 1988; 53 FR 49848, effective January 11, 1989; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991).

b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1983, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 Ill. Adm. Code 600.120).

f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department

of Agriculture (see 49 FR 2235, effective July 17, 1984).

i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991)

SUBPART C: POULTRY INSPECTION

Section 125.380 **Labeling and Containers**

a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1984; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 2236, effective July 17, 1984; 50 FR 21420, effective June 24, 1985; 53 FR 28634, effective August 29, 1988; 55 FR 5976, effective March 23, 1990; 55 FR 7289, effective August 28, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991).

b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.

d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.

e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.

f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).

g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.

h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual

names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

2) Code Citation: 47 Ill. Adm. Code 110

3)

Section Numbers:	Action:
110.10	Refusal
110.30	Refusal
110.40	Refusal
110.50	Refusal
110.60	Refusal
110.70	Refusal
110.80	Refusal
110.90	Refusal
110.91	Refusal
110.92	Refusal
110.93	Refusal
110.100	Refusal
110.105	Refusal
110.130	Refusal

4) Date Notice of Proposed Amendments Published in the Register: July 13, 1990 - 14 Ill. Reg. 10985

5) Date JCAR Statement of Objection Published in the Register: November 30, 1990 - 14 Ill. Reg. 19076

6) Summary of Action Taken by the Agency:

At its November 13, 1990 meeting, the Joint Committee on Administrative Rules (JCAR) objected to the department's rulemaking cited above because in their opinion policies are included in the department's "Grants Management Handbook" and "Community Development Assistance Program (CDAP)" booklets (1990) which are not in the department's rulemaking, and standards governing how the department shall exercise policy are not stated.

Response: I. It is the department's contention that the "Grants Management Handbook" is a technical assistance guide, developed to assist small local governments in managing their programs under CDAP. For the most part, this handbook contains illustrative materials. It also provides a copy of OMB Circular A-102 and federal regulations governing the program which are referenced in our state rules.

Since the department's explanation of the handbook's purpose was confusing to JCAR staff, it may also prove to be confusing to our

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

grantees. Therefore, the department has prepared the following introduction which will be added to the handbook:

"This "Grants Management Handbook" has been prepared to help your community to better understand the management of grants under the Community Development Assistance Program (CDAP). This handbook presents an accessible format of explanatory materials and examples and, where applicable, federal statutory requirements. We hope that the information herein will promote a better understanding of CDAP and will facilitate your efforts to effectively and efficiently administer grants under this program."

II. JCAR staff cited several illustrations from the CDAP booklets as policy not promulgated in rule. The department agrees that rulemaking is necessary and will include these provisions with other changes in program rulemaking for the new program year. We anticipate proposing these amendments by July 1, 1991.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

2) Code Citation: 89 Ill. Adm. Code 147

3)

Section Numbers:	Action:
147.300	Refusal
147.305	Refusal
147.310	Refusal
147.315	Refusal
147.320	Refusal
147.325	Refusal
147.330	Refusal
147.335	Refusal
147.340	Refusal
147.345	Refusal
147.350	Refusal

4) Date Notice of Proposed Amendments Published in the Register:

June 15, 1990 (14 Ill. Reg. 9355)

5) Date JCAR Statement of Objection Published in the Register:

August 10, 1990 (14 Ill. Reg. 13039)

6) Summary of Action Taken by the Agency:

Objection 1

The Joint Committee objected to the Department's use of the words "documented evidence" as being vague. The Department disagrees. "Documented evidence" means exactly that: evidence, which is documented, that shows the procedure in question was met. This could be a videotape (probably very effective evidence), a typed document, or possibly, as the Committee suggests, a "poloroid (sic) photograph". The key is that the evidence show that the procedure was met, not that a particular form was filled out. The Department's goals with regard to nursing facility reimbursement are result-oriented; it does not wish to inundate nursing facilities with technical procedural requirements which only serve to tie-up facility staff.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
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Objection 2

The Joint Committee has objected to the Department's use of the words "appropriate persons" as being "vague and unclear and incomplete". The Department disagrees. If read in context, it would be evident to the normal reader that "appropriate person" means the person(s) responsible for a particular aspect of a resident's care, e.g., physical, mental or psychological care. Since persons responsible for aspects of a resident's care vary from facility to facility, the Department can not specify who those persons must be. Furthermore, it is not willing to impose such requirements on nursing facilities.

Objection 3

The Joint Committee objects to Section 147.330(i) "because the mandatory review of a resident's psychopharmacological medication regime is inappropriate and not responsive to public comment." The Department disagrees.

The comments from the organizations mentioned in the Committee's objection were addressed to the Director of the Joint Committee and were not presented to the Department until the meeting with staff regarding Committee questions on this rulemaking. Committee staff told the Department that a response was needed within one day. The Department was unwilling to provide a response on such an expedited basis. This was especially so in light of the time and effort the Department had already expended in working with the public in arriving at an effective and workable rule. Making a last minute change because of a comment from a single individual was not considered appropriate. Furthermore, in reviewing the policy in question, the Department has determined that it is not willing to make the suggested change. The existing policy has been reviewed and approved by many persons both in and outside the Department. The suggested change is neither warranted nor appropriate.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the week of February 4, 1991 through February 8, 1991, and have been scheduled for review by the Committee at its March, 1991 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/21/91	Department of Agriculture, Illinois Standardbred and Thoroughbred Horse Breeding and Racing Programs (8 Ill. Adm. Code 290)	12/7/90 14 Ill. Reg. 19087	March, 1991
3/21/91	Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)	11/16/90 14 Ill. Reg. 18457	March, 1991
3/22/91	Department of Rehabilitation Services, Confidentiality of Information (89 Ill. Adm. Code 505)	8/10/90 14 Ill. Reg. 12718	March, 1991
3/25/91	Department of Conservation, Timber Harvest Fees (17 Ill. Adm. Code 1535)	12/21/90 14 Ill. Reg. 20117	March, 1991
3/25/91	Department of Nuclear Safety, Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)	5/11/90 14 Ill. Reg. 6940	March, 1991
3/25/91	Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)	8/10/90 14 Ill. Reg. 12697	March, 1991
3/25/91	Department of Professional Regulation, Illinois Physical Therapy Act (68 Ill. Adm. Code 1340)	10/26/90 14 Ill. Reg. 17432	March, 1991

PROCLAMATION

91-026
SMILES FOR LITTLE CITY MONTH
(Revised)

Whereas, Little City Foundation, a nonsectarian, not-for-profit agency in Chicago, provides programs and services in education, employment, recreation, health and wellness, ability awareness, and residency to children and adults with mental retardation and other developmental challenges; and

Whereas, 32 years ago, a small group of parents planned a facility to provide essential care and a happy home for their children with developmental challenges. The parents purchased land in Palatine and began building Little City, which is now nationally known for its outstanding programs which are shared with other agencies across the country; and

Whereas, during the month of May, citizens in Illinois will have the opportunity to "Smile for Little City" by making a donation during Tag Days, May 10 and 11, to benefit people with mental retardation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1991 as SMILES FOR LITTLE CITY MONTH in Illinois. I urge all citizens to support this cause and help people with developmental challenges.

Issued by the Governor February 7, 1991.

Filed with the Secretary of State February 11, 1991.

91-032
CUB SCOUT PACK 3782 DAY

Whereas, Cub Scout Pack 3782 was initiated in 1940 to serve the youths in Blue Island; and

Whereas, during the past 50 years, Cub Scout Pack 3782 has helped set positive and respectable standards for young people; and

Whereas, the high standards Cub Scout Pack 3782 instills in youths are vital for the continued growth and viability of the Blue Island Community; and

Whereas, Cub Scout Pack 3782 is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 10, 1991, as CUB SCOUT PACK 3782 DAY in Illinois, in recognition of the organization's contributions to our young people.

Issued by the Governor February 4, 1991.

Filed with the Secretary of State February 11, 1991.

91-033
LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15-21, 1991, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor February 4, 1991.

Filed with the Secretary of State February 11, 1991.

91-034
SALES AND MARKETING MONTH

Whereas, a fundamental precept of the principles upon which the United States is founded is the free and increasing exchange and distribution of goods and services for the benefit of all people; and

Whereas, the orderly distribution of the output of our companies and corporations is vital to their continuing efficient operation; and

Whereas, sales and marketing professionals are the purveyors of goods that fulfill society's needs and wants, and they are the imaginative developers of markets and ideas for the effective and ever-increasing employment of Illinois citizens and facilities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1991 as SALES AND MARKETING MONTH in Illinois, urging all members of the business, labor, agricultural, educational, and civic professions to participate in this observance.

Issued by the Governor February 4, 1991.

Filed with the Secretary of State February 11, 1991.

91-035
URGES FLYING THE AMERICAN FLAG

Whereas, the Congress of the United States of America, together with the United Nations Security Council, is committed to the concept of world peace;

Whereas, Tonight in an Eastern Desert
An American soldier sits alone,
Separated from family and loved ones
So very far from home.

Whereas, They are there to serve our country.
Without question, they do as told.
They believe in the flag they serve under.
Its principles they've sworn to uphold.

Whereas, We cannot help but question
What this conflict is all about.
So many of our people committed,
Not knowing when they'll get out.

Whereas, There is something at home we can do
About which our troops can brag.
We can show we all support them
By displaying the American flag.

Whereas, The Persian Gulf will get the word,
And Saddam will be dismayed,
When he learns every house in America
Has the Stars and Stripes displayed.

Therefore, I, Jim Edgar, Governor of the State of Illinois, urge all Illinoisans to support our troops by proudly flying the American flag.

Issued by the Governor February 4, 1991.

Filed with the Secretary of State February 11, 1991.

91-036
CHICAGO DENTAL SOCIETY MIDWINTER MEETING PROGRAM DAYS

Whereas, the Chicago Dental Society (CDS) strives to enhance the image and visibility of dentistry and dental care on a local level; and

Whereas, the CDS encourages the improvement of public health, promotes the art and science of dentistry, and represents the interest of the members of the profession and the public which it serves; and

Whereas, the CDS is hosting its 126th internationally renowned Midwinter Meeting during the week of February 17-20, 1991;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 17-20, 1991, as CHICAGO DENTAL SOCIETY MIDWINTER MEETING PROGRAM DAYS in Illinois and commend the Chicago Dental Society for its commitment to continuing education and better dental health.

Issued by the Governor February 5, 1991.

Filed with the Secretary of State February 11, 1991.

91-037
CHICAGO URBAN LEAGUE DAY

Whereas, 1991 marks the Chicago Urban League's 75th Anniversary of service to Chicago; and

Whereas, the league is the oldest and largest race relations organization which has offered dedicated service to build a brighter and more productive city for all Chicagoans; and

Whereas, the mission of the league is to eliminate racial discrimination and segregation and to work for the achievement of equal opportunity and parity for blacks and other minorities in every phase of American life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1991, as CHICAGO URBAN LEAGUE DAY in Illinois in recognition of the strides the Chicago Urban League has taken to improve the quality of life for Chicago residents during the past 75 years.

Issued by the Governor February 5, 1991.

Filed with the Secretary of State February 11, 1991.

91-038
WOMEN'S HISTORY MONTH

Whereas, American women of every race, creed, and ethnic background have participated in building our nation in countless recorded and unrecorded ways; and

Whereas, American women continue to contribute to the economic growth of the nation through their increasing business ownership and participation in the labor force; and

Whereas, American women have lent their talents and skills throughout history to enrich community and family life and to establish charitable, philanthropic, and cultural institutions; and

Whereas, American women from all backgrounds have been leaders of major progressive economic and social change movements to secure their own rights of suffrage and equal opportunity, as well as the rights of others; and

Whereas, it is important to remember the contributions women have made in literature, the arts, and the nation's history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1991 as WOMEN'S HISTORY MONTH in Illinois and urge all citizens to honor the observance by participating in appropriate ceremonies and activities.

Issued by the Governor February 5, 1991.

Filed with the Secretary of State February 11, 1991.

91-039
FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK

Whereas, the State of Illinois recognizes the youth of our nation as the foundation of America's thriving business structure; and

Whereas, Future Business Leaders of America-Phi Beta Lambda represent nearly 200,000 young men and women who have an enthusiastic interest in the business world; and

Whereas, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' confidence in themselves and their work; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 10-16, 1991, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois, in conjunction with the national observance.

Issued by the Governor February 6, 1991.

Filed with the Secretary of State February 11, 1991.

91-040
LAND SURVEYORS' MONTH

Whereas, land surveying is one of the oldest technical services of mankind. Our complex civilization depends more and more on surveyors' accuracy and skills to determine not only property rights, but also the methods of design and construction; and

Whereas, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected the battle sites; and

Whereas, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, became recognized as the "Savior of Our Country" after directing the campaigns that preserved our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1991 as LAND SURVEYORS' MONTH in Illinois, in recognition of the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, whose birthdays are observed this month.

Issued by the Governor February 6, 1991.

Filed with the Secretary of State February 11, 1991.

91-041
PUBLIC EDUCATION AND CORPORATE AMERICA PARTNERSHIP DAY

Whereas, the Urban Health Program of the University of Illinois at Chicago has been responsive to the need to increase the number of minorities working in the health field; and

Whereas, for eight years the annual Minority Urban Higher Education Forum has been held to allow local, state, and national leaders to reexamine, reaffirm, and recommit their roles in shaping the policies, decisions, and practices the Urban Health

Program represents in its continuing efforts to recruit and retain minority students; and

Whereas, the annual Minority Urban Higher Education Forum has earned national recognition for its efforts to improve minority education programs; and

Whereas, the University of Illinois at Chicago has developed partnerships among corporate executives and public educators to examine priorities and resources, assisting minority education programs even further;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1991, as PUBLIC EDUCATION AND CORPORATE AMERICA PARTNERSHIP DAY in Illinois and give special recognition to the innovative planning of the Urban Health Program of the University of Illinois at Chicago.

Issued by the Governor February 6, 1991.

Filed with the Secretary of State February 11, 1991.

91-042
SCHOOL GUIDANCE AND COUNSELING WEEK

Whereas, the education of our children, youth, and adults is a top priority and of immeasurable value to the people of the State of Illinois; and

Whereas, guidance and counseling are seen as essential parts of the educational process because they provide children with the opportunity to learn life skills that are essential to their well-being and benefit our very complex society; and

Whereas, school counselors help students better understand themselves and their abilities, strengths, and talents as they relate to personal, social, and career developments; and

Whereas, groups such as parents, teachers, administrators, community leaders, school boards, and legislators have a significant influence on children and should be supportive of counseling; and

Whereas, National School Guidance and Counseling Week aims at increasing public understanding of the importance of guidance and counseling programs for students;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 3-9, 1991, as SCHOOL GUIDANCE AND COUNSELING WEEK in Illinois, in conjunction with the national observance.

Issued by the Governor February 6, 1991.

Filed with the Secretary of State February 11, 1991.

91-043
DOCTOR'S DAY

Whereas, a positive doctor-patient relationship leads to high standards of care; and

Whereas, citizens should celebrate the medical advances and treatments that have improved our quality of life; and

Whereas, a Doctor's Day celebration was initiated in the State of Georgia to commemorate the birthday of Crawford W. Long, M.D., the first physician to use ether anesthesia; and

Whereas, in 1958, Doctor's Day was adopted by the United States Congress and is celebrated throughout the United States each year on March 30; and

Whereas, the 11,000 physician members of the Chicago Medical Society are celebrating Doctor's Day by informing their patients about the importance of good health, using the slogan "We Care";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30, 1991, as DOCTOR'S DAY in Illinois and encourage all citizens to be more attentive to their medical needs so we may remain a healthy, prosperous state.

Issued by the Governor February 7, 1991.

Filed with the Secretary of State February 11, 1991.

91-044
SUPPORTS OPERATION DESERT STORM

Whereas, the President, the bipartisan leadership of Congress, and members of the international coalition have worked together to make the correct and courageous decision to launch Operation Desert Storm; and

Whereas, we are united, not as Republicans and Democrats but as Americans, in full support of our troops and our Commander-in-Chief; and

Whereas, the days ahead will not be easy, but our nation must remain steadfast behind the young men and women of America's armed forces as they and our United Nations allies fulfill their historic mission to repel aggression, to destroy the threat of Saddam Hussein's power, and to build the basis for a secure peace; and

Whereas, our thoughts and prayers are with our soldiers, sailors, airmen, and marines. With the support of all the American people, we are confident our troops and the cause of peace and freedom will surely prevail; and

Whereas, the bravery and sacrifices of our troops must not be in vain. We pledge to them that when we have won militarily, we will continue to work vigorously for world peace and international security;

Therefore, I, Jim Edgar, Governor of the State of Illinois, strongly support the brave efforts of our troops in OPERATION DESERT STORM.

Issued by the Governor February 7, 1991.

Filed with the Secretary of State February 11, 1991.

91-045
ENGINEERS WEEK

Whereas, the engineering community of this state has provided

a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1991 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 17-23, 1991, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor February 8, 1991.

Filed with the Secretary of State February 11, 1991.

91-046
TORNADO PREPAREDNESS WEEK

Whereas, the tornado season, during which human lives and private property are destroyed each year, is imminent; and

Whereas, Illinois is especially vulnerable because of its location at the northeast edge of the most tornado-prone region of the world; and

Whereas, an average of 25 tornadoes have swept through Illinois each year since 1950; and

Whereas, the Illinois Emergency Services and Disaster Agency and the National Weather Service have worked together in implementing emergency planning to combat the deadly effects of tornadoes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 3-9, 1991, as TORNADO PREPAREDNESS WEEK in Illinois. I strongly urge all Illinois residents to become familiar with the hazards of tornadoes and to formulate or refine tornado preparedness plans so that deaths and injuries from the devastating effects of tornadoes can be minimized.

Issued by the Governor February 8, 1991.

Filed with the Secretary of State February 11, 1991.

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ACTION CODES

JCAR - Joint Committee on Administrative Rules

A – Adopted Rule
AR – Adopted Repealer
C – Notice of Corrections
CC – Codification Changes
E – Emergency Rule
ER – Emergency Repealer
M – Modification to meet JCAR objections
O – JCAR Statement of Objections
P – Proposed Rule
PF – Prohibited Filing Ordered by JCAR
PP – Peremptory or Court ordered Rules
PR – Proposed Repealer
R – Refusal to meet JCAR objection
RC – Statement of Recommendation
S – Suspension ordered by JCAR
W – Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF
8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE — PART — ACTION CODE — PAGE NUMBER — PREVIOUS VOLUME — PAGE NUMBER — ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-141)

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89 Ill. Adm. Code 240 Community Care Program (E-2838)

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8 Ill. Adm. Code 270 Ill. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117)

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2 Ill. Adm. Code 2650 Organization, rulemkaing & Public Information (A-2660)

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38 Ill. Adm. Code 397 Corporate Fiduciary Receivership Account (P-15181/90; A-167)
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47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-15189/90; O-1575)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-691)
47 Ill. Adm. Code 110 State Administration of the Federal Community Development Block Grant Program for Small Cities (P-10985/90; 0-19076/90; R-3127)
14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Programs (P-11022/90; A-973)

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17 Ill. Adm. Code 2520 Consignment of Licenses (P-725)
17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-17144/90; A-1487)
17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-16174/90; A-32)
17 Ill. Adm. Code 220 North Point Marina (P-16182/90; A-1495)

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62 Ill. Adm. Code 1778 Permit Applications--Minimum Requirements for Legal, Financial, Compliance & Related Information (P-1342)
62 Ill. Adm. Code 1772 Requirements for Coal Exploration (P-1347)
62 Ill. Adm. Code 1773 Requirements for Permits & Permit Processing (P-1352)
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62 Ill. Adm. Code 1823 Special Program Performance Standards on Prime Farmland (P-1368)
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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
rc = recodified
# = renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
E = Emergency rule
F = Failure to Remedy Objections
M = Modification
O = JCAR Objection
P = Proposed rule
PF = Prohibited Filing
PP = Peremptory rule
R = Refusal to Modify or Withdraw
RC = JCAR Recommendation
S = Suspended rule
W = Withdrawal of Proposed rule

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2650.300	n	(A-2660)
2650.310	n	(A-2660)
2650.311	n	(A-2660)
2650.312	n	(A-2660)
2650.313	n	(A-2660)
2650.314	n	(A-2660)
2650.320	n	(A-2660)
2650.330	n	(A-2660)
2650.340	n	(A-2660)
2650.400	n	(A-2660)
2650.410	n	(A-2660)
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125.180	am	(PP-620; W-1574) (P-1583)
125.190	am	(PP-620; W-1574) (P-1583)
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125.320	am	(PP-620; W-1574) (P-1583)
125.330	am	(PP-620; W-1574) (P-1583)
125.340	am	(PP-620; W-1574) (P-1583)
125.350	am	(PP-620; W-1574) (P-1583)
125.360	am	(PP-620; W-1574) (P-1583)
125.370	am	(PP-620; W-1574) (P-1583)
125.380	am	(PP-620; W-1574) (P-1583) (PP-3117)
125.400	am	(PP-620; W-1574) (P-1583)
125.410	am	(PP-620; W-1574) (P-1583)
255.50	am	(E-128)
270.261	am	(P-10965/90; A-455)

TITLE 11

405.170	r	(P-8957/90; A-591)
405.250	n	(P-12389/90; A-2733)
433.35	am	(P-12393/90; A-2736)
1312.265	am	(P-14750/90; A-2727)
1413.48	am	(P-12385/90; A-2730)
1424.140	n	(P-10691/90; A-20545/90; C-2044)
1424.355	am	(P-19690/90; W-1173)

TITLE 14

510.10	am	(P-677)
510.20	am	(P-677)
510.40	am	(P-677)
510.50	am	(P-677)
510.60	am	(P-677)
510.70	am	(P-677)
510.80	am	(P-677)
510.110	n	(P-13072/90; A-2673)
510.120	n	(P-13072/90; A-2673)
510.130	n	(P-13072/90; A-2673)
510.140	n	(P-13072/90; A-2673)
510.150	n	(P-13072/90; A-2673)
510.160	n	(P-13072/90; A-2673)
510.170	n	(P-13072/90; A-2673)
510.175	n	(P-13072/90; A-2673)
510.180	n	(P-13072/90; A-2673)
510.185	n	(P-13072/90; A-2673)
510.190	n	(P-13072/90; A-2673)
510.195	n	(P-13072/90; A-2673)
510.200	n	(P-13072/90; A-2673)
510.205	n	(P-13072/90; A-2673)
540.110	n	(P-11022/90; A-973)
540.120	n	(P-11022/90; A-973)
540.130	n	(P-11022/90; A-973)
540.140	n	(P-11022/90; A-973)
540.150	n	(P-11022/90; A-973)
540.160	n	(P-11022/90; A-973)
540.170	n	(P-11022/90; A-973)
540.180	n	(P-11022/90; A-973)
540.190	n	(P-11022/90; A-973)
550.20	am	(P-8782/90; A-1798)
550.30	am	(P-8782/90; A-1798)
550.35	am	(P-8782/90; A-1798)
550.40	am	(P-8782/90; A-1798)
550.50	am	(P-8782/90; A-1798)

TITLE 17

220.20	am	(P-16182/90; A-1495)
220.30	am	(P-16182/90; A-1495)
220.40	am	(P-16182/90; A-1495)
220.50	am	(P-16182/90; A-1495)
220.60	am	(P-16182/90; A-1495)
220.70	am	(P-16182/90; A-1495)
590.10	am	(P-17144/90; A-1487)
830.05	n	(P-2057)

TITLE 17 (CONT'D)

830.20	am	(P-2057)
830.60	am	(P-2057)
830.70	am	(P-2057)
830.80	am	(P-2057)
830.90	am	(P-2057)
1590.50	am	(P-16174/90; A-32)
1590.80	am	(P-16174/90; A-32)
1590.90	am	(P-16174/90; A-32)
2520.50	am	(P-725)
4160.10	n	(P-1680)
4160.20	n	(P-1680)
4160.30	n	(P-1680)
4160.40	n	(P-1680)
4160.50	n	(P-1680)
4160.60	n	(P-1680)
4160.70	n	(P-1680)
4160.80	n	(P-1680)
4160.90	n	(P-1680)
4160.100	n	(P-1680)
4160.110	n	(P-1680)
4160.120	n	(P-1680)
4160.130	n	(P-1680)
4160.140	n	(P-1680)
4160.160	n	(P-1680)
4160.170	n	(P-1680)
4160.180	n	(P-1680)

TITLE 20

405.10	am	(P-1)
405.15	am	(P-1)
405.17	am	(P-1)
405.20	am	(P-1)
405.30	am	(P-1)
405.40	r	(P-1)
405.50	am	(P-1)
405.55	n	(P-1)
405.60	am	(P-1)
405.70	am	(P-1)
415.15	am	(P-15228/90; A-988)
415.20	am	(P-15228/90; A-988)
415.30	am	(P-15228/90; A-988)
415.70	n	(P-15228/90; O-21107/90; R-1168; A-988)
1215.10	n	(P-12398/90; A-1107)
1215.20	n	(P-12398/90; A-1107)
1215.30	n	(P-12398/90; A-1107)
1215.40	n	(P-12398/90; A-1107)
1215.50	n	(P-12398/90; A-1107)
1720.30	am	(P-16198/90; A-999)
1720.Ap.A	am	(P-16198/90; A-999)

TITLE 23

1.245	n	(P-6931/90; O-21110/90; M-2877; A-2692)
226.40	am	(P-11068/90; A-40)
226.520	am	(P-11068/90; A-40)
226.525	am	(P-11068/90; A-40)
226.552	am	(P-11068/90; A-40)
226.555	am	(P-11068/90; A-40)
226.560	am	(P-11068/90; A-40)
226.605	am	(P-11068/90; A-40)
226.612	r	(P-11068/90; A-40)
226.615	am	(P-11068/90; A-40)
226.620	r	(P-11068/90; A-40)
226.680	am	(P-11068/90; A-40)
226.684	am	(P-11068/90; A-40)
226.720	am	(P-11068/90; A-40)
226.730	am	(P-11068/90; A-40)
250.70	am	(P-11447/90; A-463)

TITLE 32

331.10	am	(P-15672/90; A-90)
331.20	am	(P-15672/90; A-90)
331.30	am	(P-15672/90; A-90)
331.110	am	(P-15672/90; A-90)
331.120	am	(P-15672/90; A-90)
331.130	n	(P-15672/90; A-90)
331.200	am	(P-15672/90; A-90)
331.210	r	(P-15672/90; A-90)
331.310	am	(P-15672/90; A-90)
331.Ap.B	n	(P-15672/90; A-90)
331.Ap.C	n	(P-15672/90; A-90)
401.20	am	(P-1390)
401.30	am	(P-1390)
401.40	am	(P-1390)
401.50	am	(P-1390)
401.60	am	(P-1390)
401.70	am	(P-1390)
401.80	am	(P-1390)
401.100	am	(P-1390)
401.110	am	(P-1390)
401.130	am	(P-1390)
401.140	am	(P-1390)
401.Ap.A	n	(P-1390)
401.Ap.B	n	(P-1390)

TITLE 35

201.102	am	(P-780)
201.401	am	(P-780)
212.205	am	(P-791)
212.443	am	(P-791)
214.101	am	(P-11098/90; A-1017)
214.104	am	(P-11098/90; A-1017)
215.123	am	(P-768)
230.110	r	(P-741)
230.140	r	(P-741)
230.141	r	(P-741)
230.142	r	(P-741)
230.150	r	(P-741)
230.160	r	(P-741)
230.170	r	(P-741)
230.180	r	(P-741)
230.190	r	(P-741)
230.200	r	(P-741)
230.210	r	(P-741)
230.211	r	(P-741)
230.212	r	(P-741)
230.220	r	(P-741)
230.230	r	(P-741)
230.240	r	(P-741)
230.241	r	(P-741)
230.250	r	(P-741)
230.260	r	(P-741)
230.270	r	(P-741)
230.280	r	(P-741)
230.290	r	(P-741)
230.300	r	(P-741)

TITLE 35 (CONT'D)

230.310	r	(P-741)
230.320	r	(P-741)
230.330	r	(P-741)
230.340	r	(P-741)
230.350	r	(P-741)
230.360	r	(P-741)
230.370	r	(P-741)
230.371	r	(P-741)
230.380	r	(P-741)
230.390	r	(P-741)
230.400	r	(P-741)
230.410	r	(P-741)
230.430	r	(P-741)
230.440	r	(P-741)
230.470	r	(P-741)
230.480	r	(P-741)
230.490	r	(P-741)
230.500	r	(P-741)
230.520	r	(P-741)
230.530	r	(P-741)
230.540	r	(P-741)
230.550	r	(P-741)
230.560	r	(P-741)
230.570	r	(P-741)
230.580	r	(P-741)
230.590	r	(P-741)
230.600	r	(P-741)
230.680	r	(P-741)
230.690	r	(P-741)
230.700	r	(P-741)
230.720	r	(P-741)
230.730	r	(P-741)
230.740	r	(P-741)
230.780	r	(P-741)
230.Tb.A	r	(P-741)
230.Tb.B	r	(P-741)
230.Ap.A	r	(P-741)
230.Ap.B	r	(P-741)
230.Ap.C	r	(P-741)
230.Ap.F	r	(P-741)
231.110	r	(P-730)
231.120	r	(P-730)
231.122	r	(P-730)
231.130	r	(P-730)
231.140	r	(P-730)
231.150	r	(P-730)
231.160	r	(P-730)
231.180	r	(P-730)
231.190	r	(P-730)
231.200	r	(P-730)
231.210	r	(P-730)
231.230	r	(P-730)
231.240	r	(P-730)
231.250	r	(P-730)
231.260	r	(P-730)
231.320	r	(P-730)
231.330	r	(P-730)
231.Tb.A	r	(P-730)
231.Ap.A	r	(P-730)
231.Ap.B	r	(P-730)
231.Ap.C	r	(P-730)
304.211	n	(P-9700/90; A-241)
611.325	am	(P-17154/90; A-1562)
611.521	am	(P-17154/90; A-1562)
703.183	am	(P-2376)
703.210	n	(P-2376)
703.211	n	(P-2376)
703.Ap.A	am	(P-2376)
720.111	am	(P-20660
721.104	am	(P-2075)
721.106	am	(P-2075)
721.111	am	(P-2075)
721.120	am	(P-2075)
721.121	am	(P-2075)
721.122	am	(P-2075)
721.123	am	(P-2075)
721.124	am	(P-2075)
721.131	am	(P-2075)
721.132	am	(P-2075)
721.133	am	(P-2075)
721.Ap.C	am	(P-2075)
721.Ap.G	am	(P-2075)
722.111	am	(P-2404)
722.134	am	(P-2404)
724.113	am	(P-2414)
724.115	am	(P-2414)
724.173	am	(P-2414)
724.177	am	(P-2414)
724.321	am	(P-2414)
724.329	am	(P-2414)
724.356	am	(P-2414)
724.381	am	(P-2414)
724.401	am	(P-2414)
724.412	am	(P-2414)
724.416	am	(P-2414)
724.930	n	(P-2414)
724.931	n	(P-2414)
724.932	n	(P-2414)
724.933	n	(P-2414)
724.934	n	(P-2414)
724.935	n	(P-2414)
724.936	n	(P-2414)
724.950	n	(P-2414)
724.951	n	(P-2414)
724.952	n	(P-2414)
724.953	n	(P-2414)
724.954	n	(P-2414)
724.955	n	(P-2414)
724.956	n	(P-2414)
724.957	n	(P-2414)
724.958	n	(P-2414)
724.959	n	(P-2414)
724.960	n	(P-2414)
724.961	n	(P-2414)
724.962	n	(P-2414)
724.963	n	(P-2414)
724.964	n	(P-2414)
724.965	n	(P-2414)
725.101	am	(P-2145)
725.113	am	(P-2145)
725.115	am	(P-2145)
725.173	am	(P-2145)
725.177	am	(P-2145)
725.329	am	(P-2145)
725.356	am	(P-2145)
725.381	am	(P-2145)
725.412	am	(P-2145)

TITLE 35 (CONTD)

725.416	am	(P-2145)
725.930	n	(P-2145)
725.931	n	(P-2145)
725.932	n	(P-2145)
725.933	n	(P-2145)
725.934	n	(P-2145)
725.935	n	(P-2145)
725.950	n	(P-2145)
725.951	n	(P-2145)
725.952	n	(P-2145)
725.953	n	(P-2145)
725.954	n	(P-2145)
725.955	n	(P-2145)
725.956	n	(P-2145)
725.957	n	(P-2145)
725.958	n	(P-2145)
725.959	n	(P-2145)
725.960	n	(P-2145)
725.961	n	(P-2145)
725.962	n	(P-2145)
725.963	n	(P-2145)
725.964	n	(P-2145)
726.132	r	(P-24870
728.101	am	(P-2209)
728.102	am	(P-2209)
728.103	am	(P-2209)
728.105	am	(P-2209)
728.107	am	(P-2209)
728.108	r	(P-2209)
728.109	n	(P-2209)
728.135	n	(P-2209)
728.140	am	(P-2209)
728.141	am	(P-2209)
728.142	am	(P-2209)
728.143	am	(P-2209)
728.Ap.D	n	(P-2209)
728.Ap.E	n	(P-2209)
728.Ap.F	n	(P-2209)
728.Ap.G	n	(P-2209)
728.Ap.H	n	(P-2209)
728.Tb.A	am	(P-2209)
728.Tb.B	am	(P-2209)
728.Tb.C	n	(P-2209)
728.Tb.D	n	(P-2209)
728.Tb.E	n	(P-2209)

TITLE 38

180.90	am	(P-1207)
350.01	n	(P-2053)
397.10	n	(P-15181/90; A-167)
397.20	n	(P-15181/90; A-167)
397.30	n	(P-15181/90; A-167)
397.40	n	(P-15181/90; A-167)
397.50	n	(P-15181/90; A-167)
450.210	am	(P-2573)
450.220	am	(P-2573)
450.250	am	(P-2573)
450.260	am	(P-2573)
450.280	r	(P-2573)
450.340	am	(P-2573)
450.350	am	(P-2573)
450.410	am	(P-2573)
450.430	am	(P-2573)
450.440	am	(P-2573)
450.720	am	(P-2573)
450.740	am	(P-2573)
450.820	am	(P-2573)
450.860	am	(P-2573)
450.910	am	(P-2573)
450.1010	am	(P-2573)
450.1110	am	(P-2573)
450.1130	r	(P-2573)
450.1175	n	(P-2573)
450.1230	am	(P-2573)
450.1550	am	(P-2573)
1075.100	n	(P-14758/90; A-1916)
1075.110	n	(P-14758/90; A-1916)
1075.120	n	(P-14758/90; A-1916)
1075.130	n	(P-14758/90; A-1916)
1075.140	n	(P-14758/90; A-1916)
1075.200	n	(P-14758/90; A-1916)
1075.300	n	(P-14758/90; A-1916)
1075.310	n	(P-14758/90; A-1916)
1075.400	n	(P-14758/90; A-1916)
1075.410	n	(P-14758/90; A-1916)
1075.415	n	(P-14758/90; A-1916)
1075.420	n	(P-14758/90; A-1916)
1075.430	n	(P-14758/90; A-1916)
1075.440	n	(P-14758/90; A-1916)
1075.450	n	(P-14758/90; A-1916)
1075.455	n	(P-14758/90; A-1916)
1075.460	n	(P-14758/90; A-1916)
1075.465	n	(P-14758/90; A-1916)
1075.470	n	(P-14758/90; A-1916)
1075.480	n	(P-14758/90; A-1916)
1075.490	n	(P-14758/90; A-1916)
1075.500	n	(P-14758/90; A-1916)
1075.505	n	(P-14758/90; A-1916)
1075.510	n	(P-14758/90; A-1916)
1075.515	n	(P-14758/90; A-1916)
1075.520	n	(P-14758/90; A-1916)
1075.525	n	(P-14758/90; A-1916)
1075.530	n	(P-14758/90; A-1916)
1075.535	n	(P-14758/90; A-1916)
1075.540	n	(P-14758/90; A-1916)
1075.545	n	(P-14758/90; A-1916)
1075.550	n	(P-14758/90; A-1916)
1075.555	n	(P-14758/90; A-1916)
1075.560	n	(P-14758/90; A-1916)
1075.565	n	(P-14758/90; A-1916)
1075.570	n	(P-14758/90; A-1916)
1075.575	n	(P-14758/90; A-1916)
1075.580	n	(P-14758/90; A-1916)
1075.585	n	(P-14758/90; A-1916)
1075.600	n	(P-14758/90; A-1916)
1075.610	n	(P-14758/90; A-1916)
1075.620	n	(P-14758/90; A-1916)
1075.630	n	(P-14758/90; A-1916)
1075.640	n	(P-14758/90; A-1916)
1075.650	n	(P-14758/90; A-1916)
1075.660	n	(P-14758/90; A-1916)
1075.670	n	(P-14758/90; A-1916)
1075.680	n	(P-14758/90; A 1916)
1075.700	n	(P-14758/90; A-1916)
1075.705	n	(P-14758/90; A-1916)
1075.710	n	(P-14758/90; A-1916)
1075.715	n	(P-14758/90; A 1916)

TITLE 38 (CONT'D)

1075.720	n	(P-14758/90; A-1916)
1075.725	n	(P-14758/90; A-1916)
1075.730	n	(P-14758/90; A-1916)
1075.735	n	(P-14758/90; A-1916)
1075.740	n	(P-14758/90; A-1916)
1075.745	n	(P-14758/90; A-1916)
1075.750	n	(P-14758/90; A-1916)
1075.800	n	(P-14758/90; A-1916)
1075.810	n	(P-14758/90; A-1916)
1075.820	n	(P-14758/90; A-1916)
1075.900	n	(P-14758/90; A-1916)
1075.905	n	(P-14758/90; A-1916)
1075.910	n	(P-14758/90; A-1916)
1075.915	n	(P-14758/90; A-1916)
1075.920	n	(P-14758/90; A-1916)
1075.925	n	(P-14758/90; A-1916)
1075.930	n	(P-14758/90; A-1916)
1075.935	n	(P-14758/90 A-1916)
1075.945	n	(P-14758/90; A-1916)
1075.950	n	(P-14758/90; A-1916)
1075.955	n	(P-14758/90; A-1916)
1075.960	n	(P-14758/90; A-1916)
1075.965	n	(P-14758/90 A-1916)
1075.970	n	(P-14758/90; A-1916)
1075.975	n	(P-14758/90; A-1916)
1075.980	n	(P-14758/90; A-1916)
1075.985	n	(P-14758/90; A-1916)
1075.990	n	(P-14758/90; A-1916)
1075.995	n	(P-14758/90; A-1916)
1075.1000	n	(P-14758/90; A-1916)
1075.1005	n	(P-14758/90; A-1916)
1075.1010	n	(P-14758/90; A-1916)
1075.1015	n	(P-14758/90; A-1916)
1075.1020	n	(P-14758/90; A-1916)
1075.1025	n	(P-14758/90; A-1916)
1075.1030	n	(P-14758/90; A-1916)
1075.1035	n	(P-14758/90; A-1916)
1075.1040	n	(P-14758/90; A-1916)
1075.1045	n	(P-14758/90; A-1916)
1075.1050	n	(P-14758/90; A-1916)
1075.1055	n	(P-14758/90; A-1916)
1075.1100	n	(P-14758/90; A-1916)
1075.1105	n	(P-14758/90; A-1916)
1075.1110	n	(P-14758/90; A-1916)
1075.1115	n	(P-14758/90; A-1916)
1075.1120	n	(P-14758/90; A-1916)
1075.1125	n	(P-14758/90; A-1916)
1075.1130	n	(P-14758/90; A-1916)
1075.1135	n	(P-14758/90; A-1916)
1075.1140	n	(P-14758/90; A-1916)
1075.1145	n	(P-14758/90; A-1916)
1075.1150	n	(P-14758/90; A-1916)
1075.1155	n	(P-14758/90; A-1916)
1075.1160	n	(P-14758/90; A-1916)
1075.1165	n	(P-14758/90; A-1916)
1075.1170	n	(P-14758/90; A-1916)
1075.1175	n	(P-14758/90; A-1916)
1075.1180	n	(P-14758/90; A-1916)
1075.1185	n	(P-14758/90; A-1916)
1075.1190	n	(P-14758/90; A-1916)
1075.1195	n	(P-14758/90; A-1916)
1075.1200	n	(P-14758/90 A-1916)
1075.1205	n	(P-14758/90; A-1916)
1075.1210	n	(P-14758/90; A-1916)
1075.1215	n	(P-14758/90; A-1916)
1075.1220	n	(P-14758/90; A-1916)
1075.1225	n	(P-14758/90; A-1916)
1075.1230	n	(P-14758/90; A-1916)
1075.1235	n	(P-14758/90; A-1916)
1075.1240	n	(P-14758/90 A-1916)
1075.1245	n	(P-14758/90; A-1916)
1075.1250	n	(P-14758/90; A-1916)
1075.1255	n	(P-14758/90; A-1916)
1075.1260	n	(P-14758/90; A-1916)
1075.1265	n	(P-14758/90; A-1916)
1075.1270	n	(P-14758/90; A-1916)
1075.1275	n	(P-14758/90; A-1916)
1075.1280	n	(P-14758/90; A-1916)
1075.1285	n	(P-14758/90; A-1916)
1075.1290	n	(P-14758/90; A-1916)
1075.1295	n	(P-14758/90; A-1916)
1075.1300	n	(P-14758/90; A-1916)
1075.1305	n	(P-14758/90; A-1916)
1075.1310	n	(P-14758/90; A-1916)
1075.1315	n	(P-14758/90; A-1916)
1075.1320	n	(P-14758/90; A-1916)
1075.1325	n	(P-14758/90; A-1916)
1075.1400	n	(P-14758/90; A-1916)
1075.1405	n	(P-14758/90; A-1916)
1075.1410	n	(P-14758/90; A-1916)
1075.1415	n	(P-14758/90; A-1916)
1075.1420	n	(P-14758/90; A-1916)
1075.1425	n	(P-14758/90; A-1916)
1075.1430	n	(P-14758/90; A-1916)
1075.1435	n	(P-14758/90; A-1916)
1075.1440	n	(P-14758/90; A-1916)
1075.1445	n	(P-14758/90; A-1916)
1075.1450	n	(P-14758/90; A-1916)
1075.1500	n	(P-14758/90; A-1916)
1075.1510	n	(P-14758/90; A-1916)
1075.1520	n	(P-14758/90; A-1916)
1075.1530	n	(P-14758/90; A-1916)
1075.1540	n	(P-14758/90; A-1916)
1075.1550	n	(P-14758/90; A-1916)
1075.1600	n	(P-14758/90; A-1916)
1075.1610	n	(P-14758/90; A-1916)
1075.1620	n	(P-14758/90; A-1916)
1075.1630	n	(P-14758/90; A-1916)
1075.1640	n	(P-14758/90; A-1916)
1075.1650	n	(P-14758/90; A-1916)

TITLE 44

5030.130	am	(P-1203)

TITLE 47

100.111	am	(P-15189/90; O-1575)
100.113	am	(P-15189/90; O-1575)
110.10	am	(P-10985/90; O-19076/90; R-3127)
110.30	am	(P-10985/90; O-19076/90; R-3127)
110.40	am	(P-10985/90; O-19076/90; R-3127)
110.50	am	(P-10985/90; O-19076/90; R-3127)
110.60	am	(P-10985/90; O-19076/90; R-3127)

TITLE 47 (CONT'D)

110.70	am	(P-10985/90; O-19076/90; R-3127)
110.80	am	(P-10985/90; O-19076/90; R-3127)
110.90	am	(P-10985/90; O-19076/90; R-3127)
110.91	n	(P-10985/90; O-19076/90; R-3127)
110.92	n	(P-10985/90; O-19076/90; R-3127)
110.93	n	(P-10985/90; O-19076/90; R-3127)
110.100	am	(P-10985/90; O-19076/90; R-3127)
110.105	n	(P-10985/90; O-19076/90; R-3127)
110.130	am	(P-10985/90; O-19076/90; R-3127)

TITLE 50

918.10	r	(P-2899)
918.20	r	(P-2899)
918.30	r	(P-2899)
918.40	r	(P-2899)
918.50	r	(P-2899)
918.60	r	(P-2899)
Il. I	r	(P-2899)
Il. II	r	(P-2899)
Il. III	r	(P-2899)
Il. IV	r	(P-2899)
3119.20	am	(P-12127/90; A-69)
3119.30	am	(P-12127/90; A-69)
3119.40	am	(P-12127/90; A-69)
3119.50	am	(P-12127/90; A-69)
3119.60	am	(P-12127/90; A-69)
3119.70	am	(P-12127/90; A-69)
3119.Ex.A	am	(P-12127/90; A-69)
3119.Ex.B	am	(P-12127/90; A-69)
3119.Ex.C	am	(P-12127/90; A-69)
3119.Ex.D	am	(P-12127/90; A-69)
6101.10	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.40	am	(P-20205/89; A-199)
6101.50	am	(P-20205/89; A-199)
6101.100	am	(P-20205/89; A-199)
6101.110	am	(P-20205/89; O-2117/90; M-365; A-199)
6101.111	n	(P-20205/89; A-199)
6101.112	n	(P-20205/89; A-199)
6101.130	am	(P-20205/89; A-199)
6101.140	am	(P-20205/89; A-199)
6101.141	n	(P-20205/89; A-199)
6101.142	n	(P-20205/89; A-199)
6101.160	r	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)
6101.20	am	(P-20205/89; A-199)

TITLE 56

2600.20	am	(P-691)
2765.325	am	(P-13910/90; A-185)
2770.110	am	(P-15659/90; A-172)
2815.105	am	(P-17152/90; A-1817)
2920.40	am	(P-13905/90; A-180)

TITLE 59

106.25	am	(P-14674/90; A-1555)
106.45	am	(P-14674/90; A-1555)
117.100	n	(P-14671/90; A-1511)
117.110	n	(P-14671/90; A-1511)
117.115	n	(P-14671/90; A-1511)
117.120	n	(P-14671/90; A-1511)
117.125	n	(P-14671/90; A-1511)
117.130	n	(P-14671/90; A-1511)
117.135	n	(P-14671/90; A-1511)
117.140	n	(P-14671/90; A-1511)
117.145	n	(P-14671/90; A-1511)
117.200	n	(P-14671/90; A-1511)
117.205	n	(P-14671/90; A-1511)
117.210	n	(P-14671/90; A-1511)
117.215	n	(P-14671/90; A-1511)
117.220	n	(P-14671/90; A-1511)
117.225	n	(P-14671/90; A-1511)
117.230	n	(P-14671/90; A-1511)
117.235	n	(P-14671/90; A-1511)
117.240	n	(P-14671/90; A-1511)
117.300	n	(P-14671/90; A-1511)
117.305	n	(P-14671/90; A-1511)
117.310	n	(P-14671/90; A-1511)
117.315	n	(P-14671/90; A-1511)
117.320	n	(P-14671/90; A-1511)
117.325	n	(P-14671/90; A-1511)
117.330	n	(P-14671/90; A-1511)
117.335	n	(P-14671/90; A-1511)
117.340	n	(P-14671/90; A-1511)
117.345	n	(P-14671/90; A-1511)
117.350	n	(P-14671/90; A-1511)
117.Ap.A	n	(P-14671/90; A-1511)
117.II.A	n	(P-14671/90; A-1511)
117.II.B	n	(P-14671/90; A-1511)
117.Ap.B	n	(P-14671/90; A-1511)
117.II.A	n	(P-14671/90; A-1511)
117.II.B	n	(P-14671/90; A-1511)
117.II.C	n	(P-14671/90; A-1511)
117.II.D	n	(P-14671/90; A-1511)
117.II.E	n	(P-14671/90; A-1511)
130.11	am	(E-18100/90; O-21140/90; R-1171)
130.20	am	(E-18100/90; O-21140/90; R-1171)
130.30	am	(E-18100/90; O-21140/90; R-1171)
130.40	am	(E-18100/90; O-21140/90; R-1171)
130.60	am	(E-18100/90; O-21140/90; R-1171)
130.70	am	(E-18100/90; O-21140/90; R-1171)
130.80	am	(E-18100/90; O-21140/90; R-1171)
130.90	r	(E-18100/90; O-21140/90; R-1171)
130.100	am	(E-18100/90; O-21140/90; R-1171)
130.110	am	(E-18100/90; O-21140/90; R-1171)

TITLE 59 (CONTD)

130.120	am	(E-18100/90; O-21140/90; R-1171)
130.130	am	(E-18100/90; O-21140/90; R-1171)
130.140	am	(E-18100/90; O-21140/90; R-1171)
130.150	am	(E-18100/90; O-21140/90; R-1171)
130.160	am	(E-18100/90; O-21140/90; R-1171)
130.170	am	(E-18100/90; O-21140/90; R-1171)
130.180	am	(E-18100/90; O-21140/90; R-1171)
130.190	am	(E-18100/90; O-21140/90; R-1171)
130.200	am	(E-18100/90; O-21140/90; R-1171)
130.210	am	(E-18100/90; O-21140/90; R-1171)
130.220	am	(E-18100/90; O-21140/90; R-1171)
130.230	am	(E-18100/90; O-21140/90; R-1171)
130.240	am	(E-18100/90; O-21140/90; R-1171)
130.250	am	(E-18100/90; O-21140/90; R-1171)
130.Tb.A	am	(E-18100/90; O-21140/90; R-1171)
130.Tb.B	am	(E-18100/90; O-21140/90; R-1171)

TITLE 62

220.160	am	(P-14277/90; A-1006)
240.655	am	(P-16205/90; A-2706)
1700.11	am	(P-1235)
1701.Ap. A	am	(P-1242)
1702.1	n	(P-1221)
1702.5	n	(P-1221)
1702.10	n	(P-1221)
1702.11	n	(P-1221)
1702.12	n	(P-1221)
1702.13	n	(P-1221)
1702.14	n	(P-1221)
1702.15	n	(P-1221)
1702.16	n	(P-1221)
1702.17	n	(P-1221)
1702.18	n	(P-1221)
1761.11	am	(P-1212)
1761.12	am	(P-1212)
1772.11	am	(P-1347)
1772.14	am	(P-1347)
1773.5	am	(P-1352)
1773.11	am	(P-1352)
1773.15	am	(P-1352)
1773.17	am	(P-1352)
1774.13	am	(P-1363)
1778.14	am	(P-1342)
1780.16	am	(P-1374)
1780.37	am	(P-1374)
1780.39	n	(P-1374)
1784.21	am	(P-1382)
1784.24	am	(P-1382)
1784.30	n	(P-1382)
1816.49	am	(P-1266)
1816.68	am	(P-1266)
1816.84	am	(P-1266)
1816.111	am	(P-1266)
1816.116	am	(P-1266)
1816.117	am	(P-1266)
1816.150	am	(P-1266)
1816.151	n	(P-1266)
1816.Ap.A	am	(P-1266)
1817.49	am	(P-1314)
1817.68	am	(P-1314)
1817.84	am	(P-1314)
1817.116	am	(P-1314)
1817.117	am	(P-1314)
1817.150	am	(P-1314)
1817.151	n	(P-1314)
1823.14	am	(P-1368)
1823.15	am	(P-1368)
2501.7	am	(P-141)
2501.10	am	(P-141)
2501.13	am	(P-141)
2501.16	am	(P-141)
2501.19a	m	(P-141)
2501.25	am	(P-141)

TITLE 68

1150.20	am	(P-2492)
1150.30	am	(P-2492)
1150.40	am	(P-2492)
1150.50	am	(P-2492)
1150.60	am	(P-2492)
1150.65	am	(P-2492)
1150.70	am	(P-2492)
1150.80	am	(P-2492)
1150.90	am	(P-2492)
1150.100	am	(P-2492)
1150.110	am	(P-2492)
1150.11.A	am	(P-2492)
1240.16	n	(P-2456/90; A-3051)
1240.40	am	(P-2456/90; A-3051)
1240.50	am	(P-2456/90; A-3051)
1250.110	am	(P-1691)
1250.120	am	(P-1691)
1250.130	am	(P-1691)
1250.135	n	(P-1691)
1250.140	am	(P-1691)
1250.150	am	(P-1691)
1250.155	n	(P-1691)
1250.160	am	(P-1691)
1250.170	am	(P-1691)
1250.190	r	(P-1691)
1250.200	am	(P-1691)
1250.205	am	(P-1691)
1250.210	am	(P-1691)
1250.220	n	(P-1691)
1300.30	am	(P-2519) (E-2855)
1380.210	am	(P-7346/90; A-247)
1380.220	am	(P-7346/90; A-247)
1380.230	am	(P-7346/90; A-247)
1380.240	am	(P-7346/90; A-247)
1380.250	am	(P-7346/90; A-247)
1380.260	am	(P-7346/90; A-247)

TITLE 68 (CONTD)

1380.270	am	(P-7346/90; A-247)
1380.280	am	(P-7346/90; A-247)
1380.285	n	(P-7346/90; A-247)
1380.290	am	(P-7346/90; A-247)
1380.300	am	(P-7346/90; A-247)
1380.310	am	(P-7346/90; A-247)
1380.320	am	(P-7346/90; A-247)
1380.Ap.A	am	(P-7346/90; A-247)

TITLE 74

750.10	n	(P-1791)
750.20	n	(P-1791)
750.30	n	(P-1791)
750.40	n	(P-1791)
750.50	n	(P-1791)
750.60	n	(P-1791)
750.70	n	(P-1791)
750.80	n	(P-1791)
750.90	n	(P-1791)
750.100	n	(P-1791)
750.110	n	(P-1791)
750.120	n	(P-1791)

TITLE 77

300.330	am	(P-9957/90; A-554)
300.1010	am	(P-9957/90; A-554)
300.3220	am	(P-9957/90; A-554)
300.3240	am	(P-9957/90; A-554)
300.3260	am	(P-9957/90; A-554)
330.330	am	(P-9920/90; A-516)
330.913	r	(P-9920/90; A-516)
330.1110	am	(P-9920/90; A-516)
330.4220	am	(P-9920/90; A-516)
330.4240	am	(P-9920/90; A-516)
330.4260	am	(P-9920/90; A-516)
350.330	am	(P-9833/90; A-466)
350.680	am	(P-9833/90; A-466)
350.1220	am	(P-9833/90; A-466)
350.3220	am	(P-9833/90; A-466)
350.3240	am	(P-9833/90; A-466)
350.3260	am	(P-9833/90; A-466)
350.3710	am	(P-9833/90; A-466)
350.3720	am	(P-9833/90; A-466)
350.3730	am	(P-9833/90; A-466)
350.3750	am	(P-9833/90; A-466)
350.3770	am	(P-9833/90; A-466)
350.3780	am	(P-9833/90; A-466)
350.3810	am	(P-9833/90; A-466)
350.3880	am	(P-9833/90; A-466)
350.3900	am	(P-9833/90; A-466)
350.3940	am	(P-9833/90; A-466)
350.4010	am	(P-9833/90; A-466)
350.Tb. D	am	(P-9833/90; A-466)
350.Tb. E	am	(P-9833/90; A-466)
390.330	am	(P-9883/90; A-1878)
390.1030	am	(P-9883/90; A-1878)
390.3220	am	(P-9883/90; A-1878)
390.3240	am	(P-9883/90; A-1878)
390.3260	am	(P-9883/90; A-1878)
510.10	am	(P-418)
510.60	am	(P-418)
510.110	am	(P-418) (E-612)
510.120	am	(P-418)
510.130	am	(P-418) (E-612)
540.65	n	(P-10665/90; A-1084)
540.90	am	(P-10665/90; A-1084)
540.100	am	(P-10665/90; A-1084)
540.200	n	(P-10665/90; A-1084)
550.100	n	(P-10656/90; A-1068)
550.110	n	(P-10656/90; A-1068)
550.120	n	(P-10656/90; A-1068)
550.130	n	(P-10656/90; A-1068)
590.10	r	(P-8493/90; A-1830)
590.10	n	(P-8503/90; A-1833)
590.20	r	(P-8493/90; A-1830)
590.20	n	(P-8503/90; A-1833)
590.30	r	(P-8493/90; A-1830)
590.30	n	(P-8503/90; A-1833)
590.40	r	(P-8493/90; A-1830)
590.40	n	(P-8503/90; A-1833)
590.50	r	(P-8493/90; A-1830)
590.100	r	(P-8493/90; A-1830)
590.100	n	(P-8503/90; A-1833)
590.110	r	(P-8493/90; A-1830)
590.110	n	(P-8503/90; A-1833)
590.120	r	(P-8493/90; A-1830)
590.120	n	(P-8503/90; A-1833)
590.130	r	(P-8493/90; A-1830)
590.130	n	(P-8503/90; A-1833)
590.140	r	(P-8493/90; A-1830)
590.140	n	(P-8503/90; A-1833)
590.200	n	(P-8503/90; A-1833)
590.210	n	(P-8503/90; A-1833)
590.220	n	(P-8503/90; A-1833)
590.230	n	(P-8503/90; A-1833)
590.240	n	(P-8503/90; A-1833)
590.300	n	(P-8503/90; A-1833)
590.310	n	(P-8503/90; A-1833)
590.320	n	(P-8503/90; A-1833)
590.330	n	(P-8503/90; A-1833)
590.400	n	(P-8503/90; A-1833)
590.410	n	(P-8503/90; A-1833)
590.420	n	(P-8503/90; A-1833)
590.Ap. A	n	(P-8503/90; A-1833)
590.Ap. B	n	(P-8503/90; A-1833)
590.Ap. C	n	(P-8503/90; A-1833)
590.Ap. D	n	(P-8503/90; A-1833)
710.210	w	(P-15246/90; W-675)
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2058.110	am	(P-6457/90; A-2597)
2058.120	am	(P-6457/90; A-2597)
2058.125	am	(P-6457/90; A-2597)
2058.230	am	(P-6457/90; A-2597)
2058.235	am	(P-6457/90; A-2597)
2058.303	am	(P-6457/90; A-2597)
2058.306	am	(P-6457/90; A-2597)
2058.309	am	(P-6457/90; A-2597)
2058.312	am	(P-6457/90; A-2597)
2058.315	am	(P-6457/90; A-2597)
2058.318	am	(P-6457/90; A-2597)
2058.319	n	(P-6457/90; A-2597)
2058.321	am	(P-6457/90; A-2597)
2058.327	am	(P-6457/90; A-2597)
2058.330	am	(P-6457/90; A-2597)
2058.333	am	(P-6457/90; A-2597)
2058.336	am	(P-6457/90; A-2597)

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2058.348	am	(P-6457/90; A-2597)
2058.354	am	(P-6457/90; A-2597)
2058.366	am	(P-6457/90; A-2597)
2058.400	am	(P-6457/90; A-2597)
2058.405	am	(P-6457/90; A-2597)
2058.410	am	(P-6457/90; A-2597)
2058.600	am	(P-6457/90; A-2597)
2058.705	am	(P-6457/90; A-2597)
2058.805	am	(P-6457/90; A-2597)
2058.900	am	(P-6457/90; A-2597)
2058.905	am	(P-6457/90; A-2597)
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730.102	r	(P-1650)
730.103	r	(P-1650)
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730.201	r	(P-1650)
730.202	r	(P-1650)
730.203	r	(P-1650)
730.300	n	(P-1627)
730.305	n	(P-1627)
730.310	n	(P-1627)
730.315	n	(P-1627)
730.320	n	(P-1627)
730.325	n	(P-1627)
730.330	n	(P-1627)
730.335	n	(P-1627)
730.400	n	(P-1627)
730.401	r	(P-1650)
730.402	r	(P-1650)
730.403	r	(P-1650)
730.404	r	(P-1650)
730.405	n	(P-1627)
730.405	r	(P-1650)
730.406	r	(P-1650)
730.407	r	(P-1650)
730.408	r	(P-1650)
730.409	r	(P-1650)
730.410	n	(P-1627)
730.415	n	(P-1627)
730.420	n	(P-1627)
730.425	n	(P-1627)
730.430	n	(P-1627)
730.435	n	(P-1627)
730.440	n	(P-1627)
730.445	n	(P-1627)
730.450	n	(P-1627)
730.500	n	(P-1627)
730.501	r	(P-1650)
730.502	r	(P-1650)
730.503	r	(P-1650)
730.504	r	(P-1650)
730.505	n	(P-1627)
730.505	r	(P-1650)
730.506	r	(P-1650)
730.507	r	(P-1650)
730.508	r	(P-1650)
730.509	r	(P-1650)
730.510	n	(P-1627)
730.510	r	(P-1650)
730.511	r	(P-1650)
730.515	n	(P-1627)
730.520	n	(P-1627)
730.525	n	(P-1627)
730.530	n	(P-1627)
730.535	n	(P-1627)
730.540	n	(P-1627)
730.600	n	(P-1627)
730.601	r	(P-1650)
730.602	r	(P-1650)
730.603	r	(P-1650)
730.604	r	(P-1650)
730.605	n	(P-1627)
730.605	r	(P-1650)
730.606	r	(P-1650)
730.607	r	(P-1650)
730.608	r	(P-1650)
730.609	r	(P-1650)
730.610	r	(P-1650)
730.611	r	(P-1650)
730.700	n	(P-1627)
730.701	r	(P-1650)
730.702	r	(P-1650)
730.703	r	(P-1650)
730.705	n	(P-1627)
730.710	n	(P-1627)
730.715	n	(P-1627)
730.720	n	(P-1627)
730.725	n	(P-1627)
730.801	r	(P-1650)
730.802	r	(P-1650)
730.803	r	(P-1650)
730.804	r	(P-1650)
730.805	r	(P-1650)

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430.160	am	(P-1724)
430.180	am	(P-1724)
430.190	am	(P-1724)
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432.100	am	(P-1777)
432.110	am	(P-1777)
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435.120	am	(P-1748)
435.130	am	(P-1748)
435.140	am	(P-1748)
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3000.140	n	(P-433)
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3000.160	n	(P-433)
3000.170	n	(P-433)
3000.200	n	(P-433)
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3000.240	n	(P-433)
3000.250	n	(P-433)
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141.1125	am	(P-831) (E-1121)
141.1200	am	(P-831) (E-1121)
141.1240	am	(P-831) (E-1121)
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141.3320	am	(P-831) (E-1121)
141.3560	am	(P-831) (E-1121)
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141.3640	am	(P-831) (E-1121)
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141.3800	am	(P-831) (E-1121)
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147.320	n	(P-9355/90; O-13039/90; R-3129; A-3058)
147.325	n	(P-9355/90; O-13039/90; R-3129; A-3058)
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650.50	n	(P-6683/90; A-2740)
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650.600	r	(P-6725/90; A-2794)
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27.70	n	(P-15262/90; A-2796)
27.80	n	(P-15262/90; A-2796)
27.90	n	(P-15262/90; A-2796)
27.100	n	(P-15262/90; A-2796)
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57.60	n	(P-15283/90; A-2817)
57.70	n	(P-15283/90; A-2817)
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57.90	n	(P-15283/90; A-2817)
57.100	n	(P-15283/90; A-2817)
57.110	n	(P-15283/90; A-2817)
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530.50	n	(P-2940)
530.60	n	(P-2940)
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530.102	r	(P-3003)
530.103	r	(P-3003)
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530.110	n	(P-2940)
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530.112	r	(P-3003)
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530.140	n	(P-2940)
530.150	n	(P-2940)
530.200	n	(P-2940)
530.201	r	(P-3003)
530.202	r	(P-3003)
530.203	r	(P-3003)
530.210	n	(P-2940)
530.220	n	(P-2940)
530.225	n	(P-2940)
530.230	n	(P-2940)
530.240	n	(P-2940)
530.250	n	(P-2940)
530.260	n	(P-2940)
530.270	n	(P-2940)
530.275	n	(P-2940)
530.280	n	(P-2940)
530.290	n	(P-2940)
530.300	n	(P-2940)
530.301	r	(P-3003)
530.302	r	(P-3003)
530.303	r	(P-3003)
530.310	n	(P-2940)
530.320	n	(P-2940)
530.330	n	(P-2940)
530.400	n	(P-2940)
530.401	r	(P-3003)
530.402	r	(P-3003)
530.403	r	(P-3003)
530.410	n	(P-2940)
530.420	n	(P-2940)
530.430	n	(P-2940)
530.440	n	(P-2940)
530.450	n	(P-2940)
530.460	n	(P-2940)
530.470	n	(P-2940)
530.480	n	(P-2940)
530.500	n	(P-2940)
530.501	r	(P-3003)
530.502	r	(P-3003)
530.503	r	(P-3003)
530.510	n	(P-2940)
530.520	n	(P-2940)
530.530	n	(P-2940)
530.600	n	(P-2940)
530.601	r	(P-3003)
530.602	r	(P-3003)
530.603	r	(P-3003)
530.610	n	(P-2940)
530.700	n	(P-2940)
530.701	r	(P-3003)
530.702	r	(P-3003)
530.710	n	(P-2940)
530.800	n	(P-2940)
530.801	r	(P-3003)
530.802	r	(P-3003)
530.803	r	(P-3003)
530.804	r	(P-3003)
530.810	n	(P-2940)
530.820	n	(P-2940)
530.830	n	(P-2940)
530.840	n	(P-2940)
530.900	n	(P-2940)
530.901	r	(P-3003)
530.902	r	(P-3003)
530.903	r	(P-3003)
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